HISTORICAL COLLECTIONS;

CONSISTING OF

STATE PAPERS,

AND OTHER AUTHENTIC DOCUMENTS; INTENDED AS MATERIALS FOR AN HISTORY OF THE

UNITED STATES OF AMERICA.

By EBENEZER HAZARD, A.M.

MEMBER OF THE AMERICAN PHILOSOPHICAL SOCIETY, HELD AT PHILADELPHIA, FOR PROMOTING USEFUL KNOWLEDGE; AND FELLOW OF THE AMERICAN ACADEMY OF ARTS AND SCIENCES.

VOLUME I.

"Ingenium, Pietas, Artes, ac bellica Virtus,
Huc Profugæ venient, et Regna illuſtria condent,
Et Domina his Virtus erit, et Fortuna Miniſtra."

PHILADELPHIA:

PRINTED BY T. DOBSON, FOR THE AUTHOR.

M DCC XCII.

District of PENNSYLVANIA, to wit:

BE it remembered, that on the eighth day of March, in the ſixteenth year of the Independence of the United States of America, EBENEZER HAZARD, of the ſaid Diſtrict, hath depoſited in this office, the title of a book, the right whereof he claims, as Author, in the words following, to wit:

"Hiſtorical Collections; conſiſting of State Papers, and other authentic documents; intended as materials "for an Hiſtory of the United States of America.

"BY EBENEZER HAZARD, A. M.

"member of the American Philoſophical Society, held at Philadelphia, for promoting uſeful knowledge; and "fellow of the American Academy of Arts and Sciences.

"VOLUME I.

"Ingenium, Pietas Artes, ac bellica Virtus,
"Huc Profugæ venient, et Regna illuſtria condent,
"Et Domina his Virtus erit, et Fortuna Miniſtra."

In conformity to the Act of the Congreſs of the United States, entitled, "An Act for the encouragement of Learning, by ſecuring the Copies of Maps, Charts, and Books, to the authors and proprietors of ſuch Copies, during the times therein mentioned."

SAMUEL CALDWELL,
Clerk of the Diſtrict of
PENNSYLVANIA.

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our Diſpleaſure, and of 30 Ducats to be paid to our Treaſury by every one that ſhall be guilty of the contrary. And beſides we command him that ſhall ſhow them this our Letter to ſummon them to appear before us at our Court, whereſoever we are, within 15 days upon the ſame Penalty. Under which we command any *Publick Notary*, that ſhall be called for ſuch purpoſe, that he give to him that ſhall ſhow it him, a Certificate ſigned under his hand, that we may know how our Commands are obeyed.

GIVEN in the City of *Barcelona*, the 28th of May, in the year of our Lord, 1493.—

I, THE KING, I, THE QUEEN.

By their Majeſties Order,

FERDINAND ALVAREZ de TOLEDO,
Secretary to the King and Queen, our Lord and Lady.

PETER GUTIERRES,
Chancellor without Fees for Seal or Entry.

Delivered, RODERICK DOCTOR.
Entered, ALONZO PEREZ.

GRANT *to* JOHN CABOT *and his* SONS *for making* Diſcoveries.

[Hackluyt. A. D. 1495.]

HENRICUS Dei Gratia Rex Angliæ et Franciæ et Dominus Hiberniæ omnibus ad quos præſentes literæ noſtræ peruenerint ſalutem notum ſit et manifeſtum quod dedimus et conceſſimus ac per præſentes damus et concedimus pro nobis et hæredibus noſtris dilectis nobis Joanni Caboto ciui Venetiarum Lodouico Sebaſtiano et Sancio filiis dicti Joannis ac eorum et cujuslibet eorum hæredibus et deputatis plenam ac liberam authoritatem facultatem et poteſtatem nauigandi ad omnes partes regiones et ſinus maris orientalis occidentalis et ſeptentrionalis ſub banneris vexillis et inſigniis noſtris cum quinque nauibus ſiue nauigiis cuiuſcunque portituræ et qualitatis exiſtant et cum tot et tantis nautis et hominibus quot et quantos in dictis nauibus ſecum ducere voluerint ſuis et eorum proprijs ſumptibus et expenſis ad inueniendum diſcooperiendum et inueſtigandum quaſcunque Inſulas patrias regiones ſiue prouincias gentilium et infidelium quorumcunque in quacunque parte mundi poſitas quæ Chriſtianis

 omnibus

omnibus ante hæc tempora fuerint incognitæ. Conceſſimus etiam eiſdem et eorum cuilibet eorumq. et cuiuslibet eorum hæredibus et deputatis ac licentiam dedimus ad affigendum prædictas bannerias noſtras et inſignia in quacunque villa oppido caſtro inſula ſeu terra firma a ſe nouiter inventis. Et quod prænominatus Joannis et filii ejuſdem ſeu hæredes et eorum deputati quaſcunque hujuſmodi villas caſtra oppida et inſulas a ſe inuentas quæ ſubiugari occupari poſſideri poſſint ſubiugare occupare poſſidere valeant tanquam vaſalli noſtri et gubernatores locatenentes et deputati eorundem dominium titulum et juriſdictionem earundem villarum caſtrorum oppidorum inſularum ac terræ firmæ ſic inuentorum nobis acquirendo. Ita tamen ut ex omnibus fructibus proficuis emolumentis commodis lucris et obuentionibus ex huiuſmodi nauigatione prouenientibus præfatus Joannes et filii ac hæredes et eorum deputati teneantur et ſint obligati nobis pro omni viagio ſuo toties quoties ad Portum noſtrum Briſtolliæ applicuerint (ad quem omnino applicare teneantur et ſint aſtricti) deductis omnibus ſumptibus et impenſis neceſſarijs per eoſdem factis quintam partem capitalis lucri facti ſiue in mercibus ſiue in pecunijs perſoluere Dantes nos et concedentes eiſdem ſuiſq. hæredibus et deputatis ut ab omni ſolutione cuſtumarum omnium et ſingulorum bonorum et mercium quas ſecum reportarint ab illis locis ſic nouiter inuentis liberi ſint et immunes. Et inſuper dedimus et conceſſimus eiſdem ac ſuis hæredibus et deputatis quod terræ omnes firmæ inſulæ villæ oppida caſtra et loca quæcunq. a ſe inuenta quotquot ab eis inueniri contigerit non poſſint ab alijs quibuſuis noſtris ſubditis frequentari ſeu viſitari abſque licentia prædictorum Joannis et ejus filiorum ſuorumque deputatorum ſub pœna amiſſionis tam nauium quam bonorum omnium quorumcunque ad ea loca ſic inuenta nauigare præſumentium Volentes et ſtrictiſſime mandantes omnibus et ſingulis noſtris ſubditis tam in terra quam in mari conſtitutis ut præfato Joanni et eius filijs ac deputatis bonam aſſiſtentiam faciant et tam in armandis nauibus ſeu nauigijs quam in prouiſione commeatus et uictualium pro ſua pecunia emendorum atque aliarum omnium rerum ſibi prouidendarum pro dicta nauigatione ſumenda ſuos omnes fauores et auxilia impertiant. In cujus rei teſtimonium has literas noſtras fieri fecimus patentes Teſte meipſo apud Weſtmonaſterium quinto die Martij anno regni noſtri undecimo.

Billa ſignata Anno 13 Henrici 7.

REX tertio die Februarij, anno 13, licentiam dedit Ioani Caboto, quod ipſe capere poſſit ſex naues Anglicanas, in aliquo portu, ſiue portibus regni Angliæ, ita quod ſint de portagio 200 doliorum, vel ſubtus, cum apparatu requiſito, et quod recipere poſſit in dictas naues omnes tales magiſtros, marinarios, et ſubditos regis, qui cum eo exire voluerint, &c.

De

HISTORICAL COLLECTIONS.

PRIVILEGES *and* PREROGATIVES, *granted by their* CATHOLIC MAJESTIES *to Admiral* CHRISTOPHER COLUMBUS.

[Collection of Voyages and Travels. Lond. 1704, Vol. II. Page 603.]

FERDINAND and ELIZABETH, by the Grace of God, King and Queen of *Caſtile*, of *Leon*, of *Arragon*, of *Sicily*, of *Granada*, of *Toledo*, of *Valencia*, of *Galicia*, of *Majorca*, of *Minorca*, of *Sevil*, of *Sardinia*, of *Jaen*, of *Algarve*, of *Algezira*, of *Gibraltar*, of the *Canary Iſlands*, Count and Counteſs of *Barcelona*, Lord and Lady of *Biſcay* and *Molina*, Duke and Ducheſs of *Athens* and *Neopatria*, Count and Counteſs of *Rouſſillion* and *Cerdaigne*, Marqueſs and Marchioneſs of *Oriſtan* and *Gociano*, *&c.* For as much as you, *Chriſtopher Columbus*, are going by our command, with ſome of our veſſels and men, to diſcover and ſubdue ſome Iſlands and Continent in the ocean, and it is hoped that by God's aſſiſtance, ſome of the ſaid Iſlands and Continent in the ocean will be diſcovered and conquered by your means and conduct, therefore it is but juſt and reaſonable, that ſince you expoſe yourſelf to ſuch danger to ſerve us, you ſhould be rewarded for it. And we being willing to honour and favour you for the reaſons aforeſaid; Our will is, That you, *Chriſtopher Columbus*, after diſcovering and conquering the ſaid Iſlands and Continent in the ſaid ocean, or any of them, ſhall be our Admiral of the ſaid Iſlands and Continent you ſhall ſo diſcover and conquer; and that you be our Admiral, Vice-Roy, and Governour in them, and that for the future, you may call and ſtile yourſelf, D. *Chriſtopher Columbus*, and that your ſons and ſucceſſors in the ſaid employment, may call themſelves Dons, Admirals, Vice-Roys, and Governours of them; and that you may exerciſe the office of Admiral, with the charge of Vice-Roy and Governour of the ſaid Iſlands and Continent, which you and your Lieutenants ſhall

conquer, and freely decide all cauſes, civil and criminal, appertaining to the ſaid employment of Admiral, Vice-Roy, and Governour, as you ſhall think fit in juſtice, and as the Admirals of our kingdoms uſe to do; and that you have power to puniſh offenders; and you and your Lieutenants exerciſe the employments of Admiral, Vice-Roy, and Governour, in all things belonging to the ſaid offices, or any of them; and that you enjoy the perquiſites and ſalaries belonging to the ſaid employments, and to each of them, in the ſame manner as the High Admiral of our kingdoms does. And by this our letter, or a copy of it ſigned by a *Public Notary:* We command Prince *John*, our moſt dearly beloved Son, the Infants, Dukes, Prelates, Marqueſſes, Great Maſters and Military Orders, Priors, Commendaries, our Counſellors, Judges, and other Officers of Juſtice whatſoever, belonging to our Houſehold, Courts, and Chancery, and Conſtables of Caſtles, Strong Houſes, and others; and all Corporations, Bayliffs, Governours, Judges, Commanders, Sea Officers; and the Aldermen, Common Council, Officers, and good People of all Cities, Lands, and Places in our Kingdoms and Dominions, and in thoſe you ſhall conquer and ſubdue, and the captains, maſters, mates, and other officers and ſailors, our natural ſubjects now being, or that ſhall be for the time to come, and any of them, that when you ſhall have diſcovered the ſaid Iſlands and Continent in the ocean; and you, or any that ſhall have your commiſſion, ſhall have taken the uſual oath in ſuch caſes, that they for the future, look upon you as long as you live, and after you, your ſon and heir, and ſo from one heir to another forever, as our Admiral on our ſaid Ocean, and as Vice-Roy and Governour of the ſaid Iſlands and Continent, by you, *Chriſtopher Columbus*, diſcovered and conquered; and that they treat you and your Lieutenants, by you appointed, for executing the employments of Admiral, Vice-Roy, and Governour, as ſuch in all reſpects, and give you all the perquiſites and other things belonging and appertaining to the ſaid offices; and allow, and cauſe to be allowed you, all the honours, graces, conceſſions, preheminences, prerogatives, immunities, and other things, or any of them which are due to you, by virtue of your commands of Admiral, Vice-roy, and Governour, and to be obſerved completely, ſo that nothing be diminiſhed; and that they make no objection to this, or any part of it, nor ſuffer it to be made; foraſmuch as we from this time forward, by this our letter, beſtow on you the employments of Admiral, Vice-Roy, and perpetual Governour forever; and we put you into poſſeſſion of the ſaid offices, and of every of them, and full power to uſe and exerciſe them, and to receive the perquiſites and ſalaries belonging to them, or any of them, as was ſaid above. Concerning all which things, if it be requiſite, and you ſhall deſire it, We command our Chancellour, Notaries, and other Officers, to paſs, ſeal, and deliver to you, our Letter of Privilege, in ſuch firm and legal manner, as you ſhall require or ſtand in need of. And that none of them preſume to do any thing to the contrary, upon pain of our diſpleaſure,

diſpleaſure, and forfeiture of 30 ducats for each offence. And we command him, who ſhall ſhow them this our Letter, that he ſummon them to appear before us at our Court, where we ſhall then be, within fifteen days after ſuch ſummons, under the ſaid penalty. Under which ſame, we alſo command any Public Notary whatſoever, that he give to him that ſhows it him, a certificate under his ſeal, that we may know how our command is obeyed.

GIVEN at *Granada*, on the 30th of April, in the year of our Lord, 1492.—

I, THE KING, I, THE QUEEN.

By their Majeſties Command,
JOHN COLOMA,
Secretary to the King and Queen.

Entered according to Order,
RODERICK DOCTOR.

Regiſtered,
SEBASTIAN DOLANA, } *Chancellors.*
FRANCIS DE MADRID, }

EXEMPLAR BULLÆ *ſeu Donationis Authoritate cujus, Epiſcopus Romanus* ALEXANDER *ejus nominis Sextus, conceſſit et donavit* CASTELLÆ *Regibus et ſuis ſucceſſoribus, Regiones et Inſulas Novi Orbis in Oceano occidentali Hiſpanorum navigationibus repertas.*

ALEXANDER *Epiſcopus, Servus Servorum Dei, Chariſſimo in Chriſto Filio,* Ferdinando *Regi, et Chariſſimæ in Chriſto Filiæ* Elizabeth *Reginæ Caſtellæ, Legionis, Arragonum, Siciliæ, et Granatæ, Illuſtribus, Salutem et Apoſtolicam Benedictionem.*

[Decades of Peter Martyr, page 167, Edit. 1555.]

INTER cætera Divinæ Majeſtati bene placita opera et cordis noſtri deſiderabilia, illud profecto potiſſimum exiſtit, ut Fides Catholica et Chriſtiana Religio noſtris præſertim temporibus exaltetur, ac ubilibet amplietur ac dilatetur, animarumque ſalus procuretur, ac barbaræ nationes deprimantur et ad Fidem ipſam reducantur. Unde cum ad hanc Sacram *Petri* Sedem Divina favente clementia (meritis licet imparibus) evocati fuerimus, cognoſcentes vos tanquam vere Catholicos Reges et Prin-

 cipes :

cipes: Quales ſemper fuiſſe novimus, et a vobis præclare geſta, toti pæne orbi notiſſima demonſtrant, nedum id exoptare, ſed omni conatu, ſtudio, & diligentia, nullis laboribus, nullis impenſis, nulliſque parcendo periculis, etiam proprium ſanguinem effundendo efficere, ac omnem animum veſtrum, omneſque conatus ad hoc jamdudum dedicaſſe, quem admodum recuperatio Regni Granatæ a Tyrannide Saracenorum hodiernis temporibus per vos, cum tanta Divini nominis gloria facta, teſtatur. Digne ducimur non immerito, et debemus illa vobis etiam ſponte, ac favorabiliter concedere, per quæ hujusmodi ſanctum ac laudabile ab immortali Deo acceptum propoſitum, indies ferventiori animo ad ipſius Dei honorem et Imperii Chriſtiani propagationem, proſequi valeatis. Sane accepimus quod vos qui dudum animum propoſueratis aliquas Inſulas et Terras firmas remotas et incognitas, ac per alios hactenus non repertas, quærere et invenire, ut illarum incolas et habitatores ad colendum redemptorem noſtrum et fidem Catholicam profitendum reduceritis, hactenus in expugnatione et recuperatione ipſius Regni Granatæ plurimum occupati, hujuſmodi ſanctum et laudabile propoſitum veſtrum ad optatum finem perducere nequiviſtis. Sed tandem, ſicut Domino placuit, Regno prædicto recuperato, volentes deſiderium veſtrum adimplere, dilectum filium *Chriſtophorum Colonum*, virum utique dignum, et plurimum commendatum, ac tanto negotio aptum, cum navigiis et hominibus ad ſimilia inſtructis, non ſine maximis laboribus, ac periculis, et expenſis deſtinaſtis ut Terras firmas et Inſulas remotas et incognitas, hujuſmodi per mare ubi hactenus navigatum non fuerat, diligenter inquireret. Qui tandem (Divino auxilio facta extrema diligentia in mari oceano navigantes) certas Inſulas remotiſſimas, et etiam Terras firmas, quæ per alios hactenus repertæ non fuerant, invenerunt. In quibus plurimæ gentes pacifice viventes, et (ut aſſeritur) nudi incedentes, nec carnibus veſcentes, inhabitant. Et ut præfati nuntii veſtri poſſunt opinari, gentes ipſæ in inſulis, et terris prædictis habitantes, credunt unum Deum Creatorem in Cœlis eſſe, ac ad fidem Catholicam amplexandum et bonis moribus imbuendum, ſatis apti videntur: Speſque habetur, quod ſi erudirentur, nomen ſalvatoris Domini noſtri Jeſu Chriſti in terris et inſulis prædictis facile induceretur. Ac præfatus *Chriſtophorus* in una ex principalibus inſulis prædictis, jam unam turrim ſatis munitam, in qua certos Chriſtianos qui ſecum iverant, in cuſtodiam, et ut alias inſulas ac terras firmas remotas et incognitas inquirerent, poſuit, conſtrui et ædificari fecit. In quibus quidem inſulis, et terris jam repertis, aurum, aromata, et aliæ quamplurimæ res prætioſæ diverſi generis et diverſæ qualitatis reperiuntur. Unde omnibus diligenter, et præſertim fidei Catholicæ exaltatione et dilatatione (prout decet Catholicos Reges et Principes) conſideratis, more progenitorum veſtrorum claræ memoriæ Regum, terras firmas et inſulas prædictas, illarumque incolas et habitatores, vobis Divina favente clementia ſubjicere, et ad fidem Catholicam reducere propoſuiſtis. Nos itaque hujuſmodi veſtrum ſanctum et laudabile propoſitum plurimum in Domino commendantes, ac cupientes ut illud ad debitum finem perducatur, et

ipſum

ipſum nomen ſalvatoris noſtri in partibus illis inducatur, hortamur vos quamplurimum in Domino, et per ſacri lavacri ſuſceptionem, qua mandatis apoſtolicis obligati eſtis, et per viſcera miſericordiæ Domini noſtri Jeſu Chriſti attente requirimus, ut cum expeditionem hujuſmodi omnino proſequi et aſſumere prona mente orthodoxæ fidei zelo intendatis, populos in hujuſmodi inſulis et terris degentes, ad Chriſtianam religionem ſuſcipiendum inducere velitis et debeatis, nec pericula nec labores ullo unquam tempore vos deterreant, firma ſpe fiduciaque conceptis, quod Deus omnipotens conatus veſtros fœliciter proſequetur. Et ut tanti negotii provinciam apoſtolicæ gratiæ largitate donati, liberius et audacius aſſumatis, motu proprio non ad veſtram vel alterius pro vobis ſuper hoc nobis oblatæ petitionis inſtantiam ſed de noſtra mera liberalitate, et ex certa ſcientia, ac de apoſtolicæ poteſtatis plenitudine, omnes inſulas et terras firmas inventas et inveniendas, detectas et detegendas verſus occidentem et meridiem, fabricando et conſtruendo unam lineam a polo arctico, ſcilicet ſeptentrione, ad polum antarcticum, ſcilicet meridiem, ſive terræ firmæ et inſulæ inventæ, et inveniendæ, ſint verſus Indiam, aut verſus aliam quamcunque partem, quæ linea diſtet a qualibet inſularum, quæ vulgariter nuncupantur de los Azores, et Cabo Verde, centum leucis verſus occidentem et meridiem. Itaque omnes inſulæ et terræ firmæ repertæ et reperiendæ, detectæ et detegendæ, a præfata linea verſus occidentem et meridiem, quæ per alium Regem aut Principem Chriſtianum non fuerint actualiter poſſeſſæ uſque ad diem nativitatis Domini noſtri Jeſu Chriſti proxime præteritum, a quo incipit annus præſens milleſimus quadringenteſimus nonageſimus tertius, quando fuerunt per nuncios et capitaneos veſtros inventæ aliquæ prædictarum inſularum autoritate omnipotentis Dei nobis in beato *Petro* conceſſa, ac Vicariatus Jeſu Chriſti qua fungimur in terris, cum omnibus illarum Dominiis, Civitatibus, Caſtris, Locis, et Villis, juribuſque et juriſdictionibus ac pertinentiis univerſis vobis, hæredibuſque, et ſucceſſoribus veſtris (Caſtellæ et Legionis Regibus) in perpetuum tenore præſentium donamus, concedimus et aſſignamus: Voſque, et hæredes ac ſucceſſores præfatos illarum Dominos, cum plena, libera et omnimoda poteſtate, autoritate et juriſdictione, facimus, conſtituimus, et deputamus. Decernentes nihilo minus per hujuſmodi donationem, conceſſionem, et aſſignationem noſtram, nullo Chriſtiano Principi, qui actualiter præfatas inſulas et terras firmas poſſederit uſque ad prædictum diem nativitatis Domini noſtri Jeſu Chriſti jus quæſitum, ſublatum intelligi poſſe, aut auferri debere.

Et inſuper mandamus vobis in virtute ſanctæ obedientiæ (ut ſicut pollicemini, et non dubitamus pro veſtra maxima devotione et regia magnanimitate vos eſſe facturos) ad terras firmas et inſulas prædictas, viros probos et Deum timentes, doctos, peritos, et expertos ad inſtruendum incolas et habitatores praefatos in fide Catholica, et bonis moribus imbuendum, deſtinare debeatis, omnem debitam diligentiam in præmiſſis adhibentes. Ac quibuscunque perſonis, cujuſcunque dignitatis, etiam Imperalis et Regalis ſtatus, gradus, ordinis vel conditionis, ſub excommunicationis latae ſententiæ

pœna

pœna quam eo ipſo, ſi contra fecerint incurrant, diſtrictius inhibemus ne ad inſulas et terras firmas inventas et inveniendas, detectas et detegendas, verſus occidentem et meridiem, fabricando et conſtruendo lineam a polo arctico ad polum antarcticum, ſive terræ firmae et inſulæ inventæ et inveniendæ ſint verſus Indiam aut verſus aliam quamcunque partem, quæ linea diſtet a qualibetinſularum, quæ vulgariter nuncupantur de los Azores et Cabo Verde centum leucis verſus occidentem et meridiem ut præfertur pro mercibus habendis, vel quavis alia cauſa accedere præſumat, abſque veſtra ac hæredum et ſucceſſorum veſtrorum prædictorum licentia ſpeciali: Non obſtantibus conſtitutionibus et ordinationibus apoſtolicis, cæteriſque quibuſcunque, in illo in quo imperia et dominationes et bona cuncta procedunt: confidentes quod dirigente Domino actus veſtros, ſi hujuſmodi ſanctum ac laudabile propoſitum proſequamini, brevi tempore cum felicitate et gloria totius populi Chriſtiani, veſtri labores et conatus exitum feliciſſimum conſequentur. Verum quia difficile foret præſentes literas ad ſingula quæque loca in quibus expediens fuerit deferri, volumus ac motu et ſcientia ſimilibus decernimus, quod illarum tranſumptis manu publici notarii inde rogati ſubſcriptis, et ſigillo alicujus perſonæ in eccleſiaſtica dignitate conſtituæt, ſeu curiæ eccleſiaſticæ munitis, ea prorſus fides in judicio et extra, ac alias ubilibet adhibeatur, quæ præſentibus adhiberetur ſi eſſent adhibitæ vel oſtenſæ.

Nulli ergo omnino hominum liceat hanc Paginam noſtræ commendationis, hortationis, requiſitionis, donationis, conceſſionis, aſſignationis, conſtitutionis, deputationis, decreti, mandati, inhibitionis, et voluntatis, infringere, vel ei auſu temerario contraire. Si quis autem hoc attentare præſumpſerit, indignationem Omnipotentis Dei, ac beatorum *Petri* et *Pauli* Apoſtolorum ejus, ſe noverit incurſurum.

Datum Romæ, apud Sanctum *Petrum*, anno incarnationis Dominicæ 1493, quarto nonas Maii, Pontificatus noſtri anno primo.

The ſecond Commiſſion *to* COLUMBUS *particularly recites the firſt, and then proceeds as follows.*

AND now foraſmuch as it hath pleaſed our Lord, that you have diſcovered ſeveral of the ſaid Iſlands, as we ſtill hope you will by his Grace, diſcover and find others and the Continent, in the ſaid Ocean, and thoſe parts of the *Indies*, and have deſired and requeſted of us, that we would confirm to you our Grant here ſet down, and all the Contents of it, to the end that you and your Children, Heirs and Succeſſors, one after another, and after your Days, may have and enjoy the ſaid Employments

ments of Admiral, Vice-Roy, and Governour, of the ſaid Ocean, Iſlands and Continent, as well of thoſe you have already found and diſcovered, as of thoſe you ſhall for the future find and diſcover, with all the power, preheminence, and prerogative, as the Admirals, Vice-Roys, and Governours in our Kingdoms of *Caſtile* and *Leon* do enjoy, and that all the Perquiſites and Salaries appertaining and belonging to the ſaid Offices, and granted and allowed to our Admirals, Vice-Roys, and Governours, may be made good to you; or that we make ſuch Proviſion in this Caſe, as in our Goodneſs we ſhall think fit. And we having regard to the hazard and danger you have expoſed yourſelf to in our Service, in going to diſcover and find out the ſaid Iſlands, and that which you now run in attempting to find out the other Iſlands and Continent, wherein we have been, and hope to be by you well ſerved: To requite and reward you, do by theſe Preſents, confirm to you and your Children, Heirs and Succeſſors, one after another, now and for ever the ſaid Employments of Admiral of the ſaid Ocean, and Vice-Roy, and Governour of the ſaid Iſlands and Continent by you diſcovered and found out; and of the other Iſlands and Continent, that ſhall be by you, or your Induſtry found, or diſcovered for the future in thoſe Parts of the *Indies*. And it is our will, that you, and after you, your Children, Heirs, and Succeſſours, one after another, enjoy the ſaid Employment of our Admiral of the ſaid Ocean, which is ours, and commences at a Line, we have cauſed to be drawn from the Iſlands *Azores*, to thoſe of *Cabo Verde*, and ſo from Pole to Pole, North and South: ſo that all beyond the ſaid Line, Weſtward, is ours, and belongs to us. And accordingly we conſtitute you Admiral, and your Sons and Succeſſors, one after another, of all that part for ever. And we alſo appoint you our Vice-Roy and Governour, and after you, your Sons, Heirs, and Succeſſors, one after another, of the ſaid Iſlands and Continent, diſcovered, and to be diſcovered in the ſaid Ocean in thoſe parts of the *Indies*, as has been ſaid: and we grant you the Poſſeſſion of all the ſaid Employments of Admiral, Vice-Roy, and Governour for ever, with full Commiſſion and Authority to uſe and exercife in the ſaid Sea, the Office of Admiral in all thoſe things, and in the ſame manner and form, and with the rights and privileges, perquiſites and ſalaries, as our Admirals of *Caſtile* and *Leon*, have and do uſe, have injoyed or injoy, as well in the ſaid Iſlands and Continent already diſcovered, as in thoſe that ſhall hereafter be diſcovered in the ſaid Ocean and ſaid parts of the *Indies*, that the Planters of them all may be the better governed. And we grant you ſuch Power and Authority, that you may as our Vice-Roy, and Governour, and your Lieutenants, Judges, Commanders, and Officers by you created, exerciſe the Civil and Criminal Juriſdiction, the Supream and mean Authority, and the abſolute and mixt Command. And in thoſe places you may remove, turn out, and put in others in their places, as often as you pleaſe, and ſhall think convenient for our Service. And that they have power to hear, judge, and determine, all

Suits

Suits or Cauſes, Civil or Criminal, that ſhall occur or ariſe in the ſaid Iſlands or Continent; and that they have and receive the fees and ſalaries uſually annexed, and appertaining to thoſe Employments in our Kingdoms of *Caſtile* and *Leon*. And you our ſaid Vice-Roy and Governour may hear and determine all the ſaid Cauſes and any of them, whenſoever you ſhall pleaſe upon the firſt motion by way of appeal or complaint, and examine, determine, and decide them, as our Vice-Roy and Governour; and you and your children may do all that is reaſonable in ſuch Caſes, and all other things appertaining to the Office of Vice-Roy and Governour, and that you and your Lieutenants and Officers appointed to this purpoſe, may take ſuch Cognizance, and uſe ſuch methods, as you ſhall think proper for our Service, and the execution of our Juſtice. All which you and they may do and perform lawfully and effectually as they might and ought to do, had the ſaid Officers been appointed by us. But our Will and Pleaſure is, that ſuch Letters Patents, as you ſhall grant, be drawn and granted in our name, with theſe words, *Ferdinand and Elizabeth by the Grace of God, King and Queen of* Caſtile *and* Leon, *&c.* and be ſealed with our Seal, which we will cauſe to be given you for the ſaid Iſlands and Continent. And we command all the People, Inhabitants and other Perſons in the ſaid Iſlands and Continent, to obey you as our Vice-Roy and Governour of the ſame; and thoſe that ſail on the ſaid Seas to obey you, as our Admiral of the ſaid Ocean; and that all of them execute your letters and orders, and take part with you and your Officers, for the execution of our Juſtice; and give, and cauſe to be given you, all the Aid and Aſſiſtance you ſhall require and ſtand in need of, upon ſuch Penalties as you ſhall impoſe on them, which we by theſe preſents do impoſe on them, and do look upon them as impoſed; and do grant you Authority to execute them on their perſons and goods. And it is alſo our will, that if you find it for our Service, and the Execution of Juſtice, that any Perſons who ſhall be in the ſaid Iſlands or Continent, depart from them, and do not return or ſtay in them, and that they come and appear before us, you may in our name command, and make them depart the ſaid Iſlands. All whom by theſe preſents we command that they preſently perform, execute, and put in practice all that has been ſaid, without looking further, or aſking advice upon it, nor expecting any further letter or command from us, notwithſtanding any appeal or petition they ſhall make or preſent againſt your ſaid Order. For all which things, and any other due or belonging to the ſaid Offices of our Admiral, Vice-Roy, and Governour, we give you ſufficient Authority, with all Incidents, Dependencies, and Emergencies to them annexed or inherent. Concerning all which things, if it ſhall be your will, we do command our Chancellor, Notaries, and other Officers belonging to our Seals, that they give, paſs, diſpatch, and ſeal you our Letter of Privilege, made as effective, firm, and ſtrong, as you ſhall require of them, and ſtand in need of; and that none of them preſume to do any thing to the contrary, upon pain of

PREFACE.

WHEN the Conduct of Individuals in a Community is ſuch as to attract public Attention, others are very naturally led to many Inquiries reſpecting them; ſo, when Civil States riſe into Importance, even their earlieſt Hiſtory becomes the Object of Speculation. Secluded from the reſt of the World, the Anglo-American Colonies were viewed merely as the Dependencies of Great Britain; and little more of them, comparatively, was known, than at what time they were diſcovered, and by whom: But when they dared to aſſert their Claims to Freedom, and in Defence of them to oppoſe the Parent State, whoſe Power even Europe dreaded—when they compelled her to conſent to their Emancipation, and to acknowledge them as Independent States—they were then thought worthy of more reſpectful Attention, and an Acquaintance with their Hiſtory was ſought for with Avidity. But although the public Mind was anxious for Information, it could not be eaſily obtained: The Hiſtories which had appeared, relating to a few individual States only, were not ſufficient to gratify the inquiſitive, and were, in general, written ſo long ſince, as not now to prove ſatisfactory; and Materials for furniſhing a more comprehenſive View of the Subject were much diſperſed, and not within the Reach of many. To remove this Obſtruction from the Path of Science, and, at the ſame Time, to lay the Foundation of a good American Hiſtory, is the Object of the fol-

lowing Compilation. It was the Compiler's original Intention to viſit each State in the Union, and to remain there a ſufficient Time to form a *complete* Collection of ſuch Materials for its Hiſtory as had eſcaped the Ravages of Time and Accident. His Deſign was honoured with the Approbation and Patronage of Congreſs, whoſe Recommendation of it gained him immediate Acceſs to the Archives of New Hampſhire and Maſſachuſetts, including thoſe of the old Colony of Plymouth, and the Province of Maine; but before he could proceed farther, an Appointment, as Poſt Maſter General of the United States, obliged him to reſide at the Seat of Federal Government, and prevented his continuing the Work in the Method he at firſt propoſed:—the papers collected ſince have been picked up juſt as they happened to fall in his Way: Hence the Compilation, although large, is neceſſarily very far from being *complete;* but he has, notwithſtanding, thought it expedient to publiſh it in its preſent State, leſt it ſhould be ſcattered and loſt;—he hopes too, that by laying a Foundation, he may induce others to proſecute a Work which he conceives is not devoid of either Utility or Entertainment.

De Poteſtatibus ad Terras Incognitas Inveſtigandum.

[Rymer's Fœdera, tom. 13. p. 37. A. D. 1502.]

REX univerſis et ſingulis, ad quos preſentes Literæ pervenerint, Salutem. Notum ſit vobis et manifeſtum quod, ex certis Conſiderationibus nos moventibus, de Adviſamento Concilii noſtri, Conceſſimus et Licentiam dedimus, prout per Præſentes Concedimus et Licentiam damus, pro nobis et Hæredibus noſtris quantum in nobis eſt, Dilectis Subditis noſtris, *Hugoni Elyot* et *Thomæ Aſhehurſte*, Mercatoribus Villæ noſtræ Briſtolliæ, ac, Dilectis nobis, *Johanni Gunſalus* et *Franciſco Farnandus*, Armigeris, in Inſulis de Surrys, ſub Obedientia *Regis Portugaliæ* Oriundis, et eorum cuilibet, ac cujuſlibet eorum Hæredibus, Attornatis, Factoribus, ſeu Deputatis, ac eis et eorum cuilibet plenam et liberam Auctoritatem, Facultatem, et Poteſtatem committimus navigandi et ſe transferendi ad omnes Partes, Regiones, et Fines Maris Orientalis, Occidentalis, Auſtralis, Borealis et Septentrionalis, ſub Banneris et Inſigniis noſtris, cum tot et tantis et talibus navibus ſive Batellis quot ſibi placuerint et neceſſariæ fuerint, cujuſcumque Portagii quilibet navis ſive Batella extiterit, cum Magiſtris, Contramagiſtris, Marinariis, Pagettis, aliiſque Hominibus pro Gubernatione, ſalva Cuſtodia et Defenſione navium et Battellarum prædictarum competentibus requiſitis et neceſſariis ad Cuſtus et Onera *dicti Hugonis* et aliorum prædictorum, et pro hujuſmodi Salariis, Vadiis, et Stipendiis, prout inter eos poterint concordare, ad Inveniendum, Recuperandum. Diſcooperiendum, et Inveſtigandum Inſulas, Patrias, Regiones, ſive Provincias quaſcumque Gentilium et Infidelium in quacumque Mundi Parte poſitas, ac hujuſmodi Banneras et Inſignia noſtra in quacumque Villa, Oppido, Caſtro, Inſula, ſeu Terra firma, a ſe ſic noviter inventas, affigendi, ipſaque Villas, Oppida, Caſtra, Inſulas, et Terras firmas, pro nobis et nomine noſtro, Intrandi et Capiendi et ea tanquam Vaſalli noſtri, ac Gubernatores, Locatenentes, et Deputati noſtri, (eorumque Dominio, Titulo, Dignitate, et Præeminentiâ eorundem nobis ſemper reſervatis) occupandi, poſſidendi, et ſubjugandi; Proviſo ſemper quod de Terrris, Patriis, Regionibus ſive Provinciis Gentilium aut Infidelium, per Subditos cariſſimi Fratris, et conſanguinei noſtri *Portugaliæ Regis*, ſeu aliorum quorumcumque Principum, Amicorum, et Confederatorum noſtrorum prius repertis, et in quarum poſſeſſione ipſi principes jam exiſtunt, ſe nullo modo impediant aut intromittant. Et inſuper, quandocumque impoſterum hujuſmodi Inſulæ, Patriæ, Terræ et Provinciæ, per præfatos *Hugonem* et alios nominatos adeptæ, recuperatæ, et Inventæ fuerint, tunc volumus per præſentes, quód omnes et ſingulæ tam Viri quam Fœminæ hujus regni noſtri cæteriq. Subditi noſtri, Terras et Inſulas hujuſmodi ſic noviter inventas viſitare et in eiſdem inhabitare cupientes et deſiderantes, poſſint et

valeant licitè et impunè ad ipſas Patrias, Inſulas, et Loca, cum eorum Navibus, Hominibus, et Servientibus, Rebus et Bonis ſuis univerſis, Tranſire, et in eiſdem ſub Protectione et Regimine dictorum *Hugonis* et aliorum prænominatorum Morari et Inhabitare, Divitiaſque, Fructus et Emolumenta Terrarum, Patriarum, et Locorum prædictorum Adquirere et Obtinere. Dantes inſuper et Concedentes præfatis *Hugoni*, *Thomæ*, *Johanni*, et *Franciſco*, et eorum cuilibet plenam, Tenore Præſentium, Poteſtatem, et Auctoritatem omnes et ſingulos Homines, Marinarios, cæteraſque perſonas, ad Inſulas, Patrias, Provincias, Terras firmas et Loca prædicta ex Cauſa prædicta ſe divertentes, et confluentes tam in Comitiva dictorum *Hugonis*, et aliorum prænominatorum quam in Comitiva aliorum illic impoſterum Recurſum habere contingentium, tam ſupra mare quam in ſingulis Patriis Terris firmis et Locis hujuſmodi poſtquam inventa et recuperata fuerint, Regendi et Gubernandi, Legeſque, Ordinationes, Statuta, et Proclamationes pro bono et quiete Regimine et Gubernatione dictorum Hominum, Magiſtrorum, Marinariorum, et aliarum Perſonarum prædictarum Faciendi, Stabiliendi, Ordinandi, et Conſtituendi, et ſuperinde Proclamationes faciendi, ac omnes et ſingulos quos in hac Parte Contrarios et Rebelles, ac Legibus, Statutis, et Ordinationibus prædictis Inobedientes invenerint, ac omnes illos qui Furtum, Homicidia, ſeu Rapinas commiſerint et perpetraverint, aut aliquas Mulieres Inſularum ſeu Patriarum prædictarum, contra earum Voluntatem aut aliter, Rapuerint et Violaverint, juxta Leges et Statuta per ipſos in hac Parte ordinata Caſtigandi et Puniendi, ac etiam Conceſſimus præfatis *Hugoni*, *Thomæ*, *Johanni*, et *Franciſco*, Hæredibus et Aſſignatis ſuis quod, poſtquam aliquæ Inſulæ, Patriæ, Terræ firmæ, Regio ſeu Provincia impoſterum per *ipſum Hugonem* et alios prænominatos inventa fuerint, tunc non licebit alicui ſeu aliquibus Subdito ſeu Subditis noſtris, durante Termino quadraginta annorum proximó et immediaté ſequentium, ad ipſas Villas, Patrias, Inſulas, Terras firmas, et Loca, Cauſâ Mercandiſandi ac bona acquirendi, abſque Licentia noſtra Regia, et dictorum *Hugonis* et aliorum prænominatorum Hæredum et Aſſignatorum ſuorum, cum ſuis Navibus Frequentare aut ſe Divertere, aut in eadem Ingredi, ſeu in eiſdem pro aliquibus bonis acquirendis Intromittere: et poſt terminum dictorum quadraginta annorum, quod nullus ex noſtris Subditis ad aliquam Terram firmam, Inſulam, Patriam, ſeu Locum, per ipſos *Hugonem* et *Thomam*, et alios prædictos ſic noviter inventa, Navigare et Frequentare præſumat, abſque Licentia noſtra prædicta, et dictorum *Hugonis* et cæterorum prædictorum, ſub Pœna Amiſſionis et Forisfacturæ omnium Bonorum et Mercandiſarum, Rerum et Navium quorumcumque, ad ea Loca ſic noviter inventa navigare et in eadem Ingredi præſumentium (videlicet) una medietas inde erit ad opus noſtrum, et alia medietas ad opus dictorum *Hugonis* et aliorum prænominatorum et Hæredum ſuorum. Et ulterius ex habundanti Gratia noſtra Conceſſimus et per Præſentes Concedimus pro Nobis et Hæredi-

bus

bus noſtris quantum in nobis eſt, præfatis *Hugoni*, *Thomæ*, *Johanni*, et *Franciſco*, et eorum cuilibet, Hæredibus et Aſſignatis ſuis, quòd ipſi et eorum quilibet Mercandiſas, Mercimonia, aurum et argentum in maſſa, lapides precioſos, et alia bona quæcumque de Creſcentia Patriarum, Inſularum, et Locorum prædictorum, per ipſos ſic recuperandorum et inveniendorum, tam in dictis Navibus et Batellis quam aliis quibuſcumque Navibus Exteris a dictis Patriis, Inſulis Terris firmis, et locis in hoc Regnum noſtrum Angliæ ad quæcumque Portum ſeu alium locum ejuſdem Adducere et Cariare, et Adduci ſeu Cariari facere poſſit et valeat, eaque vendere et diſtribuere ad eorum proficuum et advantagium; aliquo Statuto, Actu, Ordinatione, ſeu Proviſione inde in contrarium factis ſive ordinatis non obſtantibus; ac nos, intimè conſiderantes Grandia Cuſtus et Onera quæ circa Præmiſſa facienda et perimplenda requiruntur, volentes igitur præfatis *Hugoni*, *Thomæ*, et aliis memoratis Perſonis Gratiam proinde facere ſpecialem, Conceſſimus, prout per Præſentes concedimus, eiſdem Hæredibus et Aſſignatis ſuis, quod ipſi et eorum quilibet Hæredes Aſſignati ſui prædicti, de tempore in tempus, durante termino quinque annorum a tempore Recuperationis et Inventionis Inſularum et Patriarum prædictarum proximò et immediatè ſequentium Mercandiſas, Mercimonia, cæteraque bona in una Navi tantum cujuſcumque Portagii fuerit Eſkippata et Onuſtata, ac in hoc Regnum noſtrum Angliæ Adducenda et Tranſportanda, in Portu ſeu loco prædicto ad Terram ponere, eaque vendere, exponere, et pro libito ſuo diſtribuere poſſint, de tempore in tempus, quolibet viagio, durante termino dictorum quinque annorum, abſque aliquibus Cuſtumis, Subſidiis, ſeu aliis Deveriis, pro eiſdem bonis, Mercimoniis, et cæteris Præmiſſis in dicta unica navi tantum contentis et eſkippatis, nobis aut Hæredibus noſtris infra dictum Regnum noſtrum Angliæ aliqualiter ſolvendis; Proviſo tamen quod nobis de Cuſtumis, ſubſidiis Pondagiis, et aliis Deveriis, nobis pro cæteris Mercandiſis, Mercimoniis, et bonis in omnibus aliis navibus contentis, juxta Conſuetudinem in hoc Regno noſtro Angliæ hactenus uſitatem, fideliter reſpondeatur ut eſt juſtum. Et inſuper volumus et concedimus per Præſentes quòd quilibet Capitalis Magiſter, Contromagiſter, et Marinarius cujuſlibet navis ad aliquam Terram firmam, Inſulam, Patriam, Provinciam, et locum prædicta frequentantis et navigantis, habeant, gaudeant, et percipiant de bonis et Mercimoniis, a dictis Inſulis, Terris firmis et Patriis in hoc Regnum Angliæ adducendis, Cuſtumas et Subſidia ſequentia; videlicet,—

Quod quilibet Magiſter habeat, gaudeat, et percipiat Subſidia et Cuſtumas quolibet Viagio *quatuor doliorum*,—

Et quilibet *Contromagiſter vel Quatermagiſter* Cuſtumas et Subſidia *duorum doliorum*,—

Ac quilibet *Marinarius* Cuſtumas et Subſidia *unius dolii*.

Licet

Licet ſint Carcata et Eſkippata ut bona ſua propria aut ut bona alicujus alterius Perſonæ cujuſcumque; et hoc abſque aliquibus Subſidiis, Cuſtumis, Debitis, ſeu Deveriis infra hoc Regnum noſtrum Angliæ ad Opus noſtrum aut Hæredum noſtrorum pro eiſdem doliis aliqualiter ſolvendis ſeu petendis; et ſi contingat aliquem vel aliquos Mercatorem ſeu Mercatores hujus Regni noſtri ad dictas Inſulas, Patrias, et loca, ſub Licentia dictorum Subditorum noſtrorum, aut abſque Licentia ſua, Cauſa habendi Mercandiſas vel Mercimonia, adventare et laborare ad bona et Mercimonia ab eiſdem Partibus in hoc Regnum noſtrum adducere, tunc volumus et Concedimus, per Præſentes, præfatis *Hugoni*, *Thomæ*, *Johanni*, et *Franciſco*, et Hæredibus et Aſſignatis ſuis quod ipſi, durante termino quadraginta annorum antedicto, habeant de quolibet hujuſmodi Mercatore (ſolutis nobis Cuſtumis, Subſidiis, et aliis Deveriis nobis in hac Parte debitis et conſuetis) *Viceſimam Partem* omnium hujuſmodi Bonorum et Mercimoniorum per ipſos a dictis Inſulis, Patriis, et locis quolibet Viagio, durante dicto termino quadraginta annorum, in hoc Regnum noſtrum Angliæ Traducendorum et Capiendorum, Habendam et Capiendam hujuſmodi *Viceſimam Partem* in Portu ubi contigerit dicta bona Diſcarcari et Exonerari; Proviſo ſemper quod prædictus *Hugo* et alii prædicti Hæredes et Aſſignati ſui, et non alii omnino impoſterum, dicto termino quadraginta annorum durante, ſint Factores et Attornati in dictis Inſulis, Terris firmis, et Patriis, pro quibuſcumque hujuſmodi Mercatoriis, aliiſque Perſonis, illuc ex cauſa prædicta confluentibus, in et pro eorum factis Mercatoriis in eiſdem; Proviſo etiam quòd nulla Navis, cum Bonis et Mercandiſis a dictis Partibus ſic noviter inventis carcata et onuſtata, poſtquam in aliquem Portum hujus Regni noſtri adducta fuerint, non exoneretur de eiſdem Bonis et Mercandiſis, niſi in Præſentia præfatorum *Hugonis* et aliorum prædictorum, eorumve Hæredum ſeu Deputatorum ad hoc aſſignandorum, ſub Pœna Foriſfacturae eorundem Bonorum et Mercandiſarum; unde una Medietas ad Opus noſtrum, et alia Medietas præfatis *Hugoni*, et aliis prænominatis, et Hæredibus ſuis applicentur. Et, ſi impoſterum aliqui Extranei aut aliæ Perſonæ ad ipſas Partes, contra voluntatem ipſorum *Hugonis* et aliorum prænominatorum, cauſa habendi Divitias navigare, et ea Vi et Armis ingredi, ac dictos *Hugonem* et alios prædictos aut Hæredes ſuos ibidem inſultare ac eos expellare et debellare aut alias inquietare præſumpſerint, quod tunc volumus, ac eiſdem Subditis noſtris, Tenore præſentium, Poteſtatem damus et Committimus ipſos extraneos, licet ſint Subditi et Vaſſalli alicujus Principis nobiſcum in Liga et Amicitia exiſtentis, totis ſuis viribus, tam per Terram quam per Mare et Aquas dulces, Expugnandi, Reſiſtendi, et Guerram contra eos levandi et faciendi, eoſque capiendi ſubpeditandi, et incarcerandi ibidem quouſque fines et redemptiones eiſdem Subditis noſtris fecerint moraturos aut alias ſecundum ſanam Diſcretionem ipſorum Subditorum noſtrorum et Hæredum ſuorum caſtigandi et puniendi, etiam præfatis Subditis noſtris cæteriſque Perſonis prædictis plenam, tenore præſentium poteſtatem damus et committimus ſub ſe quoſcumque

cumque Capitaneos, Locatenentes, et Deputatos in ſingulis Civitatibus, Villis, Oppidis, et Locis, dictarum Inſularum, Provinciarum, Patriarum, et Locorum prædictorum, ad Regendum et Gubernandum omnes et ſingulas Perſonas in eiſdem Partibus ſub Regimine et Gubernatione dictorum Subditorum noſtrorum ibidem commorantium, ac ad Juſtitiam eiſdem ſecundum Tenorem et Effectum Ordinationum, Statutorum, et Proclamationum prædictorum debite exequendum et adminiſtrandum, per Literas ſuas patentes, Sigillis eorum ſigillandas, faciendi, conſtituendi, nominandi, et ſubſtituendi, et inſuper conceſſimus, et per præſentes concedimus præfatis *Hugoni*, *Thomæ*, *Johanni*, et *Franciſco*, ad terminum Vitæ ſuæ et cujuſlibet eorum diutius viventis, Officium Admiralli ſupra Mare, in quibuſcumque Locis, Patriis, et Provinciis, a ſe ſic noviter inventis et impoſterum inveniendis et recuperandis; Ipſoſque *Hugonem*, *Thomam*, *Johannem*, et *Franciſcum*, et eorum quemlibet conjunctim, et diviſim Admirallos noſtros in eiſdem Partibus Facimus, Conſtituimus, Ordinamus, et Deputamus per Præſentes, Dantes, et Concedentes eiſdem et eorum cuilibet plenam, Tenore præſentium poteſtatem et auctoritatem ea omnia et ſingula, quæ ad Officium Admirallitatis pertinent, faciendi, excercendi, et exequendi ſecundum Legem et Conſuetudinem Maritimam in hoc Regno noſtro Angliæ uſitatam; ac etiam, poſtquam præfati *Hugo*, *Thomas*, *Johannes*, et *Franciſcus*, aliquas Terras firmas, Inſulas, Patrias, et Provincias, Oppida, Caſtra, Civitates, et Villas, per Aſſiſtentiam noſtram ſic invenerint, obtinuerint, et ſubjugaverint, tunc volumus et per præſentes concedimus eiſdem Hæredibus et Aſſignatis ſuis, quod Ipſi et Hæredes ſui habeant, teneant et poſſideant ſibi Hæredibus et Aſſignatis ſuis omnia et ſingula talia et tanta Terras firmas, Inſulas, Patrias, Provincias, Caſtra, Oppida, Fortalitia, Civitates, et Villas, qualia et quanta ipſi ac Homines tenentes et ſervientes ſui poſſint inhabitare, cuſtodire, ſuſtinere, et manutenere, habenda et tenenda eadem Terras, Inſulas, et Loca prædicta ſibi Hæredibus et Aſſignatis ſuis et cujuſlibet eorum, de nobis et Hæredibus noſtris imperpetuum, per Fidelitatem tantum, abſque aliquo compoto ſeu aliquo alio nobis aut Hæredibus noſtris proinde reddendo ſeu faciendo; Dignitate, Dominio, Regalitate, Juriſdictione, et Præeminentia in eiſdem nobis ſemper ſalvis et omnino reſervatis. Et ulterius conceſſimus præfatis *Hugoni*, *Thomæ*, *Johanni*, et *Franciſco*, quod ipſi Hæredes et Aſſignati ſui prædicti dictas Terras firmas, Inſulas et Patrias, ipſis et Hæredibus ſuis prædictis ut præmittitur ſic conceſſas, poſtquam inventæ et recuperatæ ſint, ac cum in plena Poſſeſſione earumdem fuerint, gaudeant, teneant, et poſſideant, liberè, quietè, pacificè, abſque impedimento aliquali noſtri aut Hæredum noſtrorum quorumcumque; et quod nullus ex Subditis noſtris eos aut eorum aliquem de et ſuper Poſſeſſione et Titulo ſuis de et in dictis Terris firmis, Inſulis, et Patriis ſe aliqualiter contra voluntatem ſuam expellat quovis modo; Promittentes, bona Fide et in Verbo Regis, nos Ratum, Gratum, et Firmum habituros totum et quicquid præfati *Hugo*, *Thomas*, *Johannes*, et *Franciſcus*, et eorum quilibet, pro Præ-

miſſorum

miſſorum Complemento fecerint, fierique procuraverint in hac Parte; et quod nos aut Hæredes noſtri nullo unquam tempore in futurum ipſos aut eorum aliquem Hæredeſve et Aſſignatos ſuos in Jure, Titulo, et Poſſeſſione ſuis inquietabimus, impediemus, aut Moleſtiam eis faciemus, nec per alios noſtros Subditos aut alios quoſcumque, quantum in nobis fuerit, fieri ſeu procurari permittemus ſeu procurabimus; nec ipſos Hæredes et Aſſignatos ſuos, pro aliqua cauſa impoſterum emergente ſeu contingente, ab eiſdem Terris firmis, Patriis, Provinciis, et Locis nullo modo amovebimus aut amoveri ſeu expelli per Subditos noſtros procurabimus; Proviſo ſemper quod, ſi contingat ipſos *Hugonem*, *Thomam*, *Johannem*, et *Franciſcum*, aut eorum aliquem, Hæredes ſeu Aſſignatos ſuos, aut eorum aliquem, aliqua Loca, Inſulas, Terras, Regiones, Provincias, et Patrias impoſterum reperire, inveſtigare, ſeu recuperare, quæ ante hac ab aliis Subditis noſtris aut ab aliquibus Hæredum et Succeſſorum ſuorum, Poteſtatem per alias Literas noſtras Patentes ſub magno Sigillo noſtro in ea Parte a nobis habentibus, reperta, inventa, inveſtigata, et recuperata non fuerunt, quod tunc volumus et per Præſentes concedimus, pro nobis et Hæredibus noſtris, præfatis *Hugoni*, *Thomæ*, *Johanni*, et *Franciſco*, et eorum cuilibet, Hæredibus et Aſſignatis ſuis, quod ipſi et eorum quilibet Inſulas, Patrias, Provincias, et alia Loca prædicta, cum eorum Navibus, Hominibus, Servientibus, et Rebus ſuis quibuſcumque, ad libitum ſuum ingredi, tenere, excercere, pacificèque ſecurè inhabitare ac inhabitari facere et occupari, abſque Contradictione ſeu Impedimento noſtri aut Hæredum noſtrorum, vel aliquorum aliorum Ligeorum noſtrorum quorumcumque, poſſint et valeant; et quod nullus ex aliis noſtris Subditis ad aliquam Inſulam, Terram, Regionem, Patriam, et Provinciam, ſeu Locum, per ipſos *Hugonem*, *Thomam*, *Johannem*, et *Franciſcum*, ſic noviter inventa, navigare et frequentare, aut in eadem ingredi, Cauſa acquirendi ſeu habendi Fructus, Merces et Mercimonia in eiſdem creſcentia, præſumat, abſque Licentiam noſtram regiam, et præfatorum *Hugonis*, *Thomæ*, *Johannis*, et *Franciſci*, optinerent ſpecialem, ſub Pœna Amiſſionis et Forisfacturae omnium Bonorum, Mercandiſarum, Rerum, et Navium quorumcumque, ad ea Loca ſic per ipſos noviter inventa navigare et in eadem ingredi præſumentium (videlicet) una Medietas inde erit ad opus noſtrum, et alia Medietas ad opus dictorum *Hugonis*, *Thomæ*, *Johannis*, et *Franciſci*, Hæredum et Aſſignatorum ſuorum. Et quamquam, per alias Literas noſtras Patentes, de Data Decimi Noni Diei Menſis Maii, Anno Regni noſtri Sextodecimo, Conceſſimus et Commiſerimus, Dilecto nobis, *Richardo Warde*, *Johanni Thomas*, et *Johanni Farnandus*, ac præfatis *Hugoni Eliot*, *Thomæ Aſhhurſt*, *Johanni Gunſalus*, et *Franciſco Farnandus*, Hæredibus, Attornatis, Factoribus, ſeu Deputatis ſuis, et eorum cuilibet, Poteſtatem et Facultatem Navigandi ad omnes Partes, Regiones, et Fines Maris ad inveniendum et recuperandum, et diſcooperiendum Inſulas, Patrias, et Provincias memoratas, ac ad ſingula alia in eiſdem Literis contenta et ſpecificata, juxta tenorem et effectum earumdem

exercendum et exequendum; nolumus tamen quod iidem *Richardus Warde*, *Johannes Thomas*, et *Johannes Farnandus*, nec eorum aliquis, Hæredes ſeu Aſſignati ſui, de aut in aliquibus Patriis, Inſulis, Terris, Locis, ſeu Provinciis impoſterum de novo ſub auctoritate et poteſtate præſentium literarum noſtrarum inveniendis, recuperandis, et diſcooperiendis, niſi primitus a præfatis *Hugone*, *Thoma Aſhehurſte*, *Johanne Gunſalus*, et *Franciſco* licentiam optinuerint aliqualiter ſe intromittant, nec eorum aliquis ſe intromittat. Et quod in caſu, quo iidem *Richardus Warde*, *Johannes Thomas*, et *Johannes Farnandus*, aut eorum aliquis ſeu haeredes aut aſſignati ſui ad hujuſmodi Inſulas, Patrias, Regiones, et alia Loca prædicta, cum eorum Navibus et Rebus, pro Bonis in eiſdem Inſulis, Patriis, et aliis Locis prædictis acquirendis, ſe divertere aut aliquem vel aliquos illuc mittere et deſtinare voluerint, decreverint, et diſpoſuerint, quod tunc ipſi et eorum quilibet omnia et omnimoda cuſtus et onera, cum præfatis *Hugone*, *Thomæ Aſhehurſte*, *Johanne Gunſalus*, et *Franciſco*, circa hujuſmodi Viagium exponenda (videlicet) quilibet eorum juxta ratam portionis ſuæ, prout inter eos poterint concordari, quotienſcumq. aliquod hujuſmodi Viagium incipient, et ab hoc *Regno* noſtro ad Patrias et alia Loca prædicta acquirenda et recuperanda ſe divertent, de tempore in tempus, ſolvere, dare, et ſupportare tenebuntur, Et inſuper, cum, inter cætera, in prænotatis articulis expreſſa, Conceſſerimus præfatis *Hugoni*, *Thomæ Aſhehurſte Johanni Gunſalus*, et *Franciſco*, quod ipſi, et eorum quilibet, Hæredes et Aſſignati ſui unam navem, cujuſcunque Portagii fuerit, cum omnimodis Bonis, Mercandiſis, et Mercimoniis de Creſcentia Patriarum, Inſularum, Provinciarum, Terrarum, et Locorum quorumcumque ſæpedictorum Carcatam et Onuſtam in hoc Regnum noſtrum Angliæ, totiens quotiens ſibi placuerit, durante Termino quinque annorum, abſque aliquibus Cuſtumis, Subſidiis, et aliis Deveriis nobis pro eiſdem ſolvendis, conducere, et tranſportare, ac libitum ſuum inde facere poſſent et valerent, Nos, jam animadvertentes laudabilem intentionem præfatorum *Hugonis*, *Thomæ Aſhehurſte*, *Johannis Gunſalus*, et *Franciſci*, quam ad Honorem et Utilitatem hujus Regni noſtrique Complacentiam habent et gerunt, penſanteſque eorum grandia Cuſtus et Onera gravia etiam Pericula tam Perſonarum quam Bonorum et Rerum ſuorum quorumcumque in tam gravi tempeſtuoſo periculoſo longoque Maris Negotio quæ veriſimilè ſunt paſſuri ex habundanti Gratia noſtra conceſſimus et Licentiam dedimus, pro Nobis et Hæredibus noſtris, præfatis *Hugoni*, *Thomæ Aſhehurſte*, *Johanni Gunſalus*, et *Franciſco*, et eorum cuilibet, Hæredibus et Aſſignatis ſuis et eorum cujuſlibet, quod ipſi et eorum quilibet unam aliam Navem Portagii Centum et Viginti Doliorum, cum Bonis, Rebus, Jocalibus, Auro et Argento, cæteriſque Mercandiſis et Mercimoniis, de Creſcentia Patriarum, Inſularum, Provinciarum, et aliorum Locorum, per ipſos ſic impoſterum noviter recuperandorum, carcatam et onuſtam, in hoc Regnum, Juriſdictiones, et Territoria noſtra quæcumque totiens quotiens ſibi placuerit, durante Termino quinque Annorum a Tempore Recuperationis Inſularum et Patriarum præ-

dictarum proximò et immediatè ſequentium, conducere et tranſportare, ibidemque deſcarcare, ac de Bonis, Rebus, Mercandiſis, Jocalibus, cæteriſque Præmiſſis Libitum ſuum facere poſſint et valeant, et eorum Hæredes et Aſſignati poſſint et valeant, et eorum quilibet poſſit et valeat, licitè et impunè, abſque aliquibus Cuſtumis, Subſidiis, ſeu aliis Deveriis, nobis pro eiſdem aut aliqua eorumdem Parcella debitis, nobis aliqualiter ſolvendis, et abſque aliquo Impedimento, Impetitione, Contradictione, Moleſtatione, ſeu Gravamine quocumque, noſtri aut Officiariorum ſeu Miniſtrorum noſtrorum quorumcumque. Et ulterius, Cum, inter cætera, in Literis noſtris Patentibus (quarum data eſt apud *Weſtmonaſterium* dicto decimo nono die Maii Anno Regni noſtri ſextodecimo) contenta et ſpecificata, certis conſiderationibus nos moventibus, conceſſerimus præfatis *Johanni Gunſalus* et *Franciſco*, quod eſſent imperpetuum Indigenæ et Ligei noſtri et Hæredum noſtrorum, et in omnibus Cauſis, Querelis, Rebus, et Materiis quibuſcumque haberentur, pertractarentur, reputarentur, et gubernarentur, tanquam veri et fideles Ligei noſtri infra Regnum noſtrum Angliæ oriundi, et non aliter nec alio modo, Quodque iidem *Johannes Gunſalus* et *Franciſcus* et omnes Liberi ſui ſolverent aut ſolvi facerent, et eorum quilibet ſolveret aut ſolvi faceret talia Cuſtumas, Subſidia, et alia Deveria, pro Bonis, Mercibus, Mercandiſis et Mercimoniis ſuis, in Regnum noſtrum Angliæ adducendis, vel extra idem Regnum noſtrum Angliæ educendis, qualia Alienigenæ Nobis ſolvant aut ſolvere debent vel conſueverunt, Et quod iidem *Johannes Gunſalus* et *Franciſcus* ſolverent et eorum alter ſolveret nobis et Hæredibus noſtris tot et tanta Cuſtumas, Subſidia, et alia Deveria, pro Bonis et Mercandiſis ſuis, prout Alienigenæ Nobis ſolvere et reddere tenerentur, Nos tamen, Ob certas Cauſas, Nos jam moventes, præfatos *Johannem Gunſalus* et *Franciſcum* ad Cuſtumas et Subſidia, Nobis pro eorum Bonis, Mercandiſis, et Mercimoniis, ſicuti Alienigenas ſolvenda, nolentes ut prædictum eſt onerari ſed eis et eorum utrique Gratiam facere uberiorem, De Gratia noſtra ſpeciali dedimus et conceſſimus, ac Licentiam damus et concedimus per Præſentes, pro nobis et Hæredibus noſtris, præfatis *Johanni Gunſalus* et *Franciſco* quod ipſi et eorum alter, Hæredes ſui aut Hæredes eorum alterius, talia Cuſtumas, Subſidia, et alia Deveria, pro Bonis, Mercibus, Mercandiſis, et Mercimoniis ſuis quibuſcumque, in Regnum noſtrum Angliæ Adducendiſve extra idem Regnum Educendis, qualia alii Ligei noſtri infra Regnum noſtrum Angliæ oriundi nobis ſolvant aut ſolvere deberent, et conſueverunt, dictis Literis noſtris, in contrarium inde factis, non obſtantibus, Proviſo ſemper quod nec prædicti *Johannes Gunſalus aut Franciſcus*, ſub colore aut velamento hujus noſtri Indulti aut Privilegii, aliorum Bona ſub eorum Nominibus tanquam propria in Regnum noſtrum introducant, ſub Pœna Confiſcationis Bonorum ſic introductorum, et Amiſſionis Privilegii noſtri prædicti. Eo quod expreſſa Mentio de vero valore Annuo Præmiſſorum, aut de aliis Donis ſive Conceſſionibus, per nos eiſdem *Hugoni Elyot*, *Thomæ Ayſhehurſte*, *Johanni Gunſalus*,

ſalus, et *Franciſco*, ante hæc Tempora factis, in præſentibus minime facta exiſtit, aut aliquibus Statutis, Actubus, ſive ordinationibus, aut Reſtrictionibus, inde in contrarium factis, editis, ordinatis, ſive proviſis, aut aliqua alia Re, Cauſa, vel Materia quacumque, in aliquo non obſtantibus. Et ulterius, ex uberiori Gratia noſtra, Conceſſimus præfatis *Hugone*, *Thomæ Aſhehurſte*, *Johanni Gunſalus*, et *Franciſco*, quod ipſi habeant præſentes Literas noſtras in Cancellaria noſtra, abſque aliquo Fine ſeu Feodo, aut aliquibus Finibus ſeu Feodis, pro eiſdem Literis noſtris aut aliqua Parte eorumdem, aut pro magno Sigillo noſtro, ad opus noſtrum in Hanaperio dictæ Cancellariæ noſtræ aliqualiter ſolvendis: Et volumus, et concedimus per Præſentes quod Reverendiſſimus in Chriſto Pater *Willielmus Epiſcopus Londoñienſis* Cuſtos magni Sigilli noſtri, Auctoritate præſentis Conceſſionis noſtræ fieri faciat et ſigillari tot et talia brevia, ſub magno Sigillo noſtro ſigillanda, Cuſtodi ſive Clerico Hanaperii noſtri dirigenda, pro Exoneratione dictorum Finium et Feodorum, quot et qualia in hac Parte neceſſaria fuerint et requiſita abſque aliquo alio Warranto aut Proſecutione penes Nos in hac Parte faciendis.

In cujus, &c.

Teſte Rege apud *Weſtmonaſterium*, nono die Decembris.

PER IPSUM REGEM.

COMMISION de Francois, I.er a Jacques Quartier, pour l'etabliſſement du Canada, du 17 Octobre 1540.

[Hiſtoire de la Nouvelle France, par l'Eſcarbot, page 397.]

FRANCOIS, par la grace de Dieu, Roi de France: A tous ceux qui ces préſentes lettres verront: Salut. comme pour le deſir d'entendre & avoir connoiſſance de pluſieurs pays qu'on dit inhabités, & autres être poſſédés par gens ſauvages, vivans ſans connoiſſance de Dieu & ſans uſage de raiſon, euſſions dès pie-çà, à grands frais & miſes, envoyé découvrir leſdits pays par pluſieurs bons pilotes, & autres nos ſujets de bon entendement, ſavoir et expérience, qui d'iceux pays nous auroient amené divers hommes que nous avons par long temps tenus en notre Royaume, les faiſant inſtruire en l'amour et crainte de Dieu, et de ſa ſainte loi et doctrine chretienne, en intention de les faire remener eſdits pays en compagnie de bon nombre de nos ſujects de bonne volonté, afin de plus facilement induire les autres peuples d'iceux pays à croire en notre ſainte foi: Et entr'autres y euſſions envoyé notre cher et bien amé Jacques Quartier, lequel auroit découvert grand pays des terres de Canada et Hochelaga faiſant un bout de l'Aſie du côté de l'occident; leſquels pays il a trouvé (ainſi qu'il nous

a rapporté) garnis de pluſieurs bonnes commodités, et les peuples d'iceux bien fournis de corps et de membres, et bien diſpoſés d'eſprit et entendement; deſquels il nous a ſemblablement amené aucun nombre, que nous avons par long temps fait voir et inſtruire en notredite ſainte foi avec noſdits ſujets: En conſidération de quoi, et de leur bonne inclination, Nous avons aviſé et délibéré de renvoyer ledit Quartier eſdits pays de Canada et Hochelaga, et juſques en la terre de Saguenai (s'il peut y aborder), avec bon nombre de navires, et de toutes qualités, arts et induſtrie, pour plus avant entrer eſdits pays, converſer avec les peuples d'iceux, et avec eux habiter (ſi beſoin eſt), afin de mieux parvenir à notredite intention, et à faire choſe agréable à Dieu notre Créateur et Rédempteur, et que ſoit à l'augmentation de ſon ſainte et ſacre Nom, et de notre Mére ſainte l'Egliſe catholique, de laquelle nous ſommes dits et nommés le premier fils: Par quoi ſoit beſoin pour mellieur ordre et expédition de ladite enterpriſe, députer et établir un Capitaine général et maître pilote deſdits navires, qui ait regard à la conduit d'iceaux, et ſur les gens, Officiers et Soldats y ordonnés et établis: Savoir faiſons que Nous, à plein confians de la perſonne dudit Jacques Quartier et de ſes ſens, ſuffiſance, loyauté, prud'hommie, hardieſſe, grande diligence et bonne expérience, icelui pour ces cauſes et autres à ce nous mouvans, avons fait, conſtitué et ordonné, faiſons, conſtituons, ordonnons et etabliſſons par ces preſentes, Capitaine général et maître Pilote de tous les navires et autres vaiſſeaux de mer, par Nous ordonnés être menes pour ladite entrepriſe et expédition, pour ledit état et charge de Capitaine general et maître Pilote d'iceux navires et vaiſſeaux avoir, tenir et exercer par ledit Jacques Quartier, aux honneurs, prèrogatives, prééminences, franchiſes, libertés, gages et bienfaits, tels que par Nous lui ſeront pour ce ordonnés, tant qu'il nous plaira: Et lui avons donné, et donnons puiſſance et autorite de mettre, établir et inſtituer auxdits navires tels Lieutenans, patrons, pilotes et autres miniſtres néceſſaires pour le fait et conduite d'iceux, et en tel nombre qu'il verra et connoîtra être beſoin et néceſſaire pour le bien de ladite expédition. Si donnons en mandement par ceſdites préſentes à notre Amiral ou Vice-Amiral, que prins et reçeu dudit Jacques Quartier le ſerment pour ce deu et accoûtumé, icelui mettent et inſtituent, ou faſſent mettre et inſtituer de par Nous en poſſeſſion et ſaiſine dudit état de Capitaine général et maître Pilote; et d'icelui, enſemble des honneurs, prerogatives, prééminences, franchiſes, libertés, gages et bienfaits, tels que par Nous lui ſeront pour ce ordonnés, le faſſent, ſouffrent et laiſſent jouir et uſer pleinement et paiſiblement, et à lui obiér et entendre de tous ceux, et ainſi qu'il appartiendra ès choſes touchant et concernant ledit état et charge: Et outre, lui faſſe, ſouffre et permette prendre le petit Galion, appelé l'Emerillon, que de préſent il a de Nous, lequel eſt jà vieil et caduc, pour ſervir à l'adoub de ceux des navires qui en auront beſoin, et lequel nous voulons être prins et applique par ledit Quartier pour l'effet deſſus dit, ſans qu'il ſoit tenu en rendre aucun autre compte de reliquat; et duquel compte et reliquat nous l'avons

decharge

déchargé et déchargeons par icelles préſentes: Par leſquelles Nous mandons auſſi à nos Prevôts de Paris, Baillifs de Rouen, de Caen, d'Orléans, de Blois et de Tours, Sénéchaux du Maine, d'Anjou et Guienne, et à tous nos autres Baillifs, Sénéchaux, Prevôts, Alloués et autres nos Juſticiers et Officiers, tant de notre Royaume que de notre pays de Bretagne uni à icelui, par devers leſquels ſont aucuns priſonniers, accuſés ou prévenus d'aucuns crimes quels qu'ils ſoient, fors de crimes de leze-Majeſté divine et humaine envers Nous, et de faux monnoyeurs, qu'ils aient incontinent à délivrer, rendre et bailler ès mains dudit Quartier, ou ſes commis et députés portans ces préſentes, ou le duplicata d'icelles pour notre ſervice en ladite entrépriſe et expedition, ceux deſdits priſonniers qu'il connoîtra être propres, ſuffiſans et capables pour ſervir en icelle expédition, juſquau nombre de cinquante perſonnes, et ſelon le choix que ledit Quartier en fera, iceux premièrement jugés et condamnés ſelon leurs demerites et la gravite de leurs mefaits, ſi jugés et condamnés ne ſont; et ſatisfaction auſſi préalablement ordonnée aux parties civiles et intereſſées, ſi faite n'avoit été: Pour laquelle toutesfois Nous ne voulons la délivrance de leur perſonne eſdites mains dudit Quartier ('s'il les trouve de ſervice) être retardee ne retenue; mais ſe prendra ladite ſatisfaction ſur leurs biens ſeulement: Et laquelle délivrance deſdits priſonniers accuſes ou prévenus, Nous voulons être faite eſdites mains dudit Quarter pour l'effet deſſus dit, par noſdits Juſticiers et Officiers reſpectivement, et par chacun d'eux en leur regard, pouvoir et juriſdiction, non obſtant oppoſitions ou appellations quelconques faites ou a faire, relevées ou a relever, et ſans que par le moyen d'icelles, icelle délivrance en la manière deſſus dite, ſoit aucunement différée: Et afin que le plus grand nombre n'en ſoit tiré, outre leſdits cinquante, Nous voulons que la delivrance que chacun de noſdits Officiers en fera audit Quartier, ſoit écrite et certifiée en la marge de ces préſentes, et que néanmoins regiſtre en ſoit par eux fait et envoyé incontinent par devers notre amé et feal Chancelier, pour connoître le nombre et la qualité de ceux qui auront été bailles et délivrés: Car tel eſt notre plaiſir; en témoin de ce Nous avons faite mettre notre ſcel à ceſdites préſentes. DONNE à Saint-Pris, le dix-ſeptiéme jour d'Octobre, l'an de grace mil cinq cens quarante, et de notre regné le vingt-ſixiéme. Ainſi ſigne ſur le repli, Par le Roi, vous Monſignieur le Chancelier et autre preſens, DE LA CHESNAYE. Et ſcellée ſur le repli à ſimple queue de cire jaune.

Anno

Anno ſecundo et tertio EDWARDI VI. A. D. 1548.

[Ruffhead's Statutes at large, Vol. II. page 412.]

CAP. VI.

An ACT *that the Admiral of* ENGLAND, *or any of his Officers, ſhall not exact any ſums of money for Licence to traffick to* ISELAND, *&c.*

FORASMUCH as within theſe few years now laſt paſt, there hath been levied, perceived and taken by certain of the officers of the admiralty, of ſuch merchants and fiſhermen as have uſed and practiſed the adventures and journeys into *Iſleland*, *Newfoundland*, *Ireland* and other places commodious for fiſhing and the getting of fiſh, in or upon the ſeas or otherwiſe, by way of merchandize in thoſe parts, divers great exactions, as ſums of money, doles or ſhares of fiſh, and ſuch other like things, to the great diſcouragement and hindrance of the ſame merchants and fiſhermen, and to no little damage of the whole commonweal: And whereof alſo great complaints have been made and informations alſo yearly to the King's Majeſty's moſt honourable council: For reformation whereof, and to the intent alſo that the ſaid merchants and fiſhermen may have occaſion the rather to practiſe and uſe the ſame trade of merchandiſe and fiſhing freely without any ſuch charges or exactions as is before limited whereby it is to be thought that more plenty of fiſh ſhall come into this realm, and thereby to have the ſame at more reaſonable prices:

Be it therefore enacted by the King our Sovereign Lord, and the Lords and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That neither the Admiral nor any officer or miniſter, officers or miniſters of the Admiralty for the time being, ſhall in anywiſe hereafter exact, receive or take by himſelf, his ſervant, deputy, ſervants or deputies of any ſuch merchant or fiſherman any ſum or ſums of money, doles or ſhares of fiſh, or any other reward, benefit or advantage whatſoever it be, for any licence to paſs this realm to the ſaid voyages or any of them; upon pain to forfeit for the firſt offence treble the ſum, or treble the value of the reward, benefit or advantage, that any ſuch officer or miniſter ſhall hereafter have or take of any ſuch merchant or fiſherman, for the which forfeiture the party grieved, and every other perſon or perſons, whatſoever he or they be, ſhall and may ſue for the ſame by information, bill, plaint or action of debt, in any of the King's Courts of Record; the King to have one moiety, and the party complaining the other moiety: In which ſuit no eſſoign, protection or wager of law ſhall be allowed: And for the ſecond offence, the party ſo offending not only to loſe or forfeit his or their office or offices

fices in the Admiralty, but alſo to make fine and ranſom at the King's will and pleaſure.

Upon this Statute Hackluyt remarks as follows:

" By this act it appeareth, that the trade out of England to *Newfoundland* was common and frequented about the beginning of the reign of *Edward* the VI. namely in the yere 1548, and it is much to be marveiled, that by the negligence of our men, the countrey in all this time hath bene no better ſearched."

GRANT *of a* PENSION *to* SEBASTIAN CABOT.*

[Hackluyt, A. D. 1548.]

EDWARDUS Sextus, Dei Gratia, Angliæ, Franciæ, et Hiberniæ Rex, omnibus Chriſti fidelibus ad quos præſentes hæ literæ noſtræ pervenerint ſalutem Sciatis quod nos in conſideratione boni et acceptabilis ſervitii nobis per dilectum ſervientem noſtrum Sebaſtianum Cabotam impenſi atque impendendi de gratia noſtra ſpeciali ac ex certa ſcientia et mero motu noſtro nec non de adviſamento et conſenſu præclariſſimi avunculi noſtri Edwardi Ducis Somerſeti perſonæ noſtræ Gubernatoris ac Regnorum Dominiorum ſubditorumque noſtrorum protectoris et cæterorum conciliariorum noſtrorum dedimus et conceſſimus ac per præſentes damus et concedimus eidem Sebaſtiano Cabotæ quandam annuitatem ſive annualem reditum centum ſexaginta et ſex librarum treſdecim ſolidorum et quatuor denariorum ſterlingorum habendam gaudendam et annuatim percipiendam prædictam annuitatem ſive annalem reditum eidem Sebaſtiano Cabotæ durante vita ſua naturali de theſauro noſtro ad receptum ſcacarii noſtri Weſtmonaſterii per manus theſaurariorum et Camerariorum noſtrorum ibidem pro tempore exiſtentium ad feſta annunciationis beatæ Mariæ Virginis nativitatis Sancti Joannis Baptiſtæ Sancti Michaelis Archangeli et Natalis Domini per equales portiones ſolvendam. Et ulterius de uberiori gratia noſtra ac de adviſamento et conſenſu prædictis damus et per præſentes concedimus præfato Sebaſtiano Cabotæ tot et tantas denariorum ſummas ad quot et quantas dicta annuitas ſive annalis redditus centum ſexaginta ſex librarum treſdecim ſolidorum et quatuor denariorum a feſto Sancti Michaelis Archangeli ultimo præterito huc uſque ſe extendit et attingit habendas et recipiendas præfato Sebaſtiano Cabotæ et aſſignatis ſuis de theſauro noſtro prædicto per manus prædictorum theſaurariorum, et camerariorum noſtrorum de dono noſtro abſque computo ſeu aliquo alio nobis hæredibus vel ſucceſſoribus noſtris proinde reddendo ſolvendo vel faciendo eo quod expreſſa mentio, &c. In cujus rei teſtimonium, &c. Teſte Rege apud Weſtmonaſterium 6 die Januarii anno 2 Regis Edwardi ſexti.

" *The*

* Hackluyt calls this, " The large penſion granted by K. Edward the VI. to Sebaſtian Cabota, conſtituting him Grand Pilot of England."

The LETTERS PATENT *graunted by her* MAJESTIE *to Sir* HUMFREY GILBERT, *Knight, for the inhabiting and planting of our People in America.*

[Hackluyt, page 677, A. D. 1578.]

ELIZABETH, by the Grace of God, Queene of England, &c. To all people to whom theſe preſents ſhall come, greeting. Know ye that of our eſpeciall grace, certaine ſcience, and meere motion, we have given and graunted, and by theſe preſents for vs our heires and ſucceſſours, do give and graunt to our truſtie and well-beloved ſervaunt, Sir Humfrey Gilbert of Compton, in our countie of Devonſhire, knight, and to his heires and aſſignes for ever, free libertie and licence, from time to time, and at all times for ever hereafter, to diſcover, finde, ſearch out, and view ſuch remote, heathen and barbarous lands, countries, and territories, not actually poſſeſſed of any Chriſtian prince, or people, as to him, his heires and aſſignes, and to every or any of them, ſhall ſeeme good, and the ſame to have, hold, occupie, and enjoy to him, his heires and aſſignes for ever, with all commodities, iuriſdictions, and royalties both by ſea and land: and the ſaid Sir Humfrey, and all ſuch as from time to time, by licence of us, our heires and ſucceſſours, ſhall goe or travell thither, to inhabite or remaine there, to build and fortifie at the diſcretion of the ſaid Sir Humfrey, and of his heires and aſſignes, the ſtatutes or actes of parliament made againſt fugitives, or againſt ſuch as ſhall depart, remaine or continue out of our realme of England without licence, or any other acte, ſtatute, lawe, or matter whatſoever to the contrary in any wiſe notwithſtanding. And we doe likewiſe by theſe preſents, for us, our heires and ſucceſſours, give full authoritie and power to the ſayd Sir Humfrey, his heires and aſſignes, and every of them, that he and they, and every, or any of them, ſhall and may at all and every time and times hereafter, have, take, and lead in the ſame voyages, to travel thitherward, or to inhabite there with him, and every or any of them, ſuch, and ſo many of our ſubjects as ſhall willingly accompany him and them, and every or any of them, with ſufficient ſhipping, and furniture for their tranſportations, ſo that none of the ſame perſons, nor any of them be ſuch as hereafter ſhall be ſpecially reſtrained by us, our heires and ſucceſſors. And further, that he the ſayd Sir Humfrey, his heires and aſſignes, and every or any of them ſhall have, hold, occupie and enioy to him, his heirs or aſſignes, and every of them forever, all the ſoil of all ſuch landes, countries and territories ſo to bee diſcovered or poſſeſſed as aforeſayd, and of all cities, caſtles, townes, and villages, and places in the ſame, with the rights, royalties and iuriſdictions, as well marine as other, within the ſayde landes or countries of the ſeas thereunto adioyning, to be had or uſed with full power to diſpoſe thereof, and of every part thereof in fee ſimple,

ſimple, or otherwiſe, according to the order of the lawes of England, as neere as the ſame conveniently may bee, at his, and their will and pleaſure, to any perſon then beyng, or that ſhall remain within the allegiance of us, our heires and ſucceſſours, paying unto us for all ſervices, duties and demands, the fift part of all the oare of gold and ſilver, that from time to time, and at all times after ſuch diſcoverie, ſubduing and poſſeſſing ſhall be there gotten: all which lands, countries and territories, ſhall forever be holden by the ſayd Sir Humfrey, his heires and aſſignes, of us, our heires and ſucceſſours, by homage, and by the ſayd paiment of the ſayd fift part before reſerued onely for all ſeruices.

And moreouer, we do by theſe preſents for us, our heires and ſucceſſours, give and graunt licence to the ſayde Sir Humfrey Gilbert, his heires or aſſignes, and to every of them, that hee and they, and every and any of them, ſhall and may from time to time, and all times foreuer hereafter, for his and their defence, encounter, expulſe, repell, and reſiſt, as well by ſea as by land, and by all other wayes whatſoeuer, all and euery ſuch perſon and perſons whatſoeuer, as without the ſpeciall licence and liking of the ſayd Sir Humfrey, and of his heires and aſſignes, ſhall attempt to inhabite within the ſayd countries, or any of them, or within the ſpace of two hundreth leagues neere to the place or places within ſuch countries as aforeſayde, if they ſhall not be before planted or inhabited within the limites aforeſayd, with the ſubjects of any Chriſtian Prince, being in amitie with her Majeſty, where the ſayd Sir Humfrey, his heires or aſſignes, or any of them, or his or their, or any of their aſſociates or companies, ſhall within ſixe yeeres next enſuing, make their dwellings and abidings, or that ſhall enterpriſe or attempt at any time hereafter unlawfully to annoy either by ſea or land, the ſayd Sir Humfrey, his heires and aſſignes, or any of them, or his or their, or any of their companies: giuing and graunting by theſe preſents, further power and authoritie to the ſaid Sir Humfrey, his heires and aſſignes, and euery of them from time to time, and at all times foreuer hereafter to take and ſurpriſe by all manner of meanes whatſoeuer, all and euery perſon and perſons, with their ſhippes, ueſſels, and other goods and furniture, which without the licence of the ſaid Sir Humfrey, or his heires or aſſignes, as aforeſayd, ſhall be found traffiquing into any harborough or harboroughs, creeke or creekes, within the limites aforeſayde, (the ſubiects of our realmes and dominions, and all other perſons in amitie with us, being driuen by force of tempeſt, or ſhipwracke onely excepted) and thoſe perſons and euery of them with their ſhips, veſſels, goods, and furniture, to detaine and poſſeſſe, as of good and lawful prize, according to the diſcretion of him the ſaid Sir Humfrey, his heires and aſſignes, and of euery or any of them. And for uniting in more perfect league and amitie of ſuch countreys, landes and territories ſo to bee poſſeſſed and inhabited as aforeſayde, with our realmes of England and Ireland, and for the bet-

ter incouragement of men to this enterprise: wee doe by these presents graunt, and declare, that all such countreys so hereafter to be possessed and inhabited as aforesayd, from thencefoorth shall bee of the alleagiance of us, our heires and successours. And we doe graunt to the said Sir Humfrey, his heires and assignes, and to all and euery of them, and to all and euery other person and persons, being of our allegiance, whose names shall be noted or entered in some of our courts of record within this our realme of England, and that with the assent of the said Sir Humfrey, his heires or assignes, shall now in this iourney for discoverie, or in the second iourney for conquest hereafter, trauel to such lands, countries and territories as aforesaid, and to their and euery of their heires, that they and euery or any of them being either borne within our said realmes of England or Ireland, or within any other place within our allegiance, and which hereafter shall be inhabiting within any the lands, countries and territories, with such licence as aforesaid, shall, and may have, and enioy all the priuileges of free denizens and persons native of England, and within our allegiance, any law, custome, or usage to the contrary notwithstanding. And for asmuch as upon the finding out, discouering and inhabiting of such remote lands, countries and territories as aforesayd, it shall be necessarie for the safetie of all men that shall aduenture themselues in those iourneis or voiages, to determine to live together in Christian peace and civill quietnesse, each with other, whereby euery one may with more pleasure and proffit, enioy that whereunto they shall attaine with paine and perill: We for us, our heires and successours are likewise pleased and contented, and by these presents doe give and graunt to the said Sir Humfrey, and his heires and assignes foreuer, that he and they, and euery or any of them, shal and may from time to time for euer hereafter within the said mentioned remote lands and countreys, and in the way by the seas thither, and from thence, have ful and meere power and authoritie to correct, punish, pardon, gouerne and rule by their and euery or any of their good discretions and pollicies as well in causes capitall or criminall, as ciuil, both marine, and other, all such our subiects and others, as shall from time to time hereafter aduenture themselues in the said iournies or uoiages habitatiue or possessiue, or that shall at any time hereafter inhabite any such lands, countreys or territories as aforesayd, or that shall abide within two hundred leagues of any the said place or places, where the said Sir Humfrey, or his heires or assignes, or any of them, or any of his or their associates or companies, shall inhabite within six yeeres next ensuing, the date hereof, according to such statutes, lawes and ordinances, as shall be by him the said Sir Humfrey, his heires and assignes, or euery or any of them deuised or established for the better government of the said people as aforesayd: So alwaies that the said statutes, lawes and ordinances may be, as neere as conveniently may, agreeable to the form of the lawes and pollicie of England: And also, so as they be not against the true

Christian

Chriſtian faith or religion now profeſſed in the Church of England, nor in any wiſe to withdraw any of the ſubiects or people of the lands or places from the allegiance of us, our heires or ſucceſſours, as their immediate ſoveraignes under God. And further we doe by theſe preſents for us, our heires and ſucceſſours, giue and graunt full power and authoritie to our truſtie and well beloved counſeller, Sir *William Cicill*, knight, Lord Burleigh, our high treaſurer of England, and to the lord treaſurer of England, of us for the time being, and to the priuie counſell of us, our heires and ſucceſſours, or any foure of them for the time being, that hee, they, or any foure of them, ſhall and may from time to time, and at all times hereafter, under his or their handes or ſeales by virtue of theſe preſents, authoriſe and licence the ſayd Sir Humfrey Gilbert, his heires and aſſignes, and euery or any of them by him and themſelves, or by their or any of their ſufficient attornies, deputies, officers, miniſters, factors, and ſeruants, to imbarke and tranſport out of our realmes of England and Ireland, all, or any of his or their goods, and all or any the goods of his or their aſſociates and companies, and euery or any of them, with ſuch other neceſſaries and commodities of any our realmes, as to the ſayd lord treaſurer or foure of the priuy counſell of us, our heires and ſucceſſours for the time being, as aforeſaid, ſhall be from time to time by his or their wiſdoms or diſcretions thought meete and convenient for the better reliefe and ſupportation of him the ſayde Sir Humfrey, his heires and aſſignes, and euery or any of them, and of his or their, and euery or any of their ſaid aſſociates and companies, any acte, ſtatute, law, or other thing to the contrarie in any wiſe notwithſtanding.

Prouided alwayes, and our will and pleaſure is, and wee doe hereby declare to all Chriſtian Kings, Princes, and States, that if the ſayd Sir Humfrey, his heires or aſſignes, or any other by their licence and appointment, ſhal at any time or times hereafter robbe or ſpoile by ſea or by land, or doe any acte of uniuſt and unlawfull hoſtitie to any of the ſubiects of us, our heires or ſucceſſors, or any of the ſubiects of any King, Prince, Ruler, Governour or ſtate being then in perfect league and amitie with us, our heires or ſucceſſours, and that upon ſuch iniurie, or upon iuſt complaint of any ſuch Prince, Ruler, Governour or ſtate, or their ſubiects, wee, our heires, or ſucceſſours ſhall make open proclamation within any the portes of our Realme of England commodious, that the ſayd Sir Humfrey, his heires or Aſſignes, or any other to whom theſe our letters patents may extend, ſhall within the term to be limited by ſuch proclamations, make full reſtitution and ſatisfaction of all ſuch iniuries done, ſo as both wee and the ſayd princes, or others ſo complaining, may hold us and themſelves fully contented: and that if the ſayd Sir Humfrey, his heires and aſſignes, ſhall not make or cauſe to bee made ſatisfaction accordingly, within ſuch time ſo to bee limited: that then it ſhall be lawfull to us, our heires and ſucceſſours, to put the ſayd Sir Humfrey, his

heires, aſſignes, and adherents, and all the Inhabitants of the ſaid places to bee diſcouered as is aforeſaid, or any them out of our allegiance and protection, and that from and after ſuch time of putting out of protection the ſayde Sir Humfrey, and his heires, aſſignes, adherents and others ſo to bee put out, and the ſayd places within their habitation, poſſeſſion, and rule, ſhall bee out of protection and allegiance, and free for all Princes and others to purſue with hoſtilitie as not being our ſubiects, nor by us any way to bee advowed, maintained or defended, nor to be holden as any of ours, nor to our protection, dominion or allegiaunce any way belonging, for that expreſſe mention, &c. In witneſſe whereof, &c. Witneſſe ourſelfe at Weſtminſter the 11. day of June, the 20. yeere of our raigne.

PER IPSAM REGINAM, &c.

The LETTERS PATENTS *of the* QUEENES MAIESTIE, *graunted to Maſter* ADRIAN GYLBERT *and* OTHERS, *for the ſearch and diſcouerie of the North-weſt Paſſage to* China.

[Hakluyt. p. 774. A. D. 1585.]

ELIZABETH by the Grace of God of England, Fraunce, and Ireland, Queene, defender of the fayth, &c. To all, to whome theſe preſents ſhall come greeting: Foraſmuch as our truſtie and well beloued ſubiect *Adrian Gylbert* of Sandridge in the Countie of Deuon, Gentleman, to his great coſtes and charges, hath greatly and earneſtly trauailed and ſought, and yet doth trauel and ſeeke, and by diuers meanes endeuoureth and laboureth, that the Paſſage unto *China* and the Iſles of *Moluccas*, by the North-weſtwarde, North-eaſtwarde, or Northwarde, unto which part or partes of the worlde, none of our loyal ſubjects haue hitherto had any traffic or trade, may be diſcouered, knowen, and frequented by the ſubiects of this our Realme: Know ye therefore that for the conſiderations aforeſayd and for diuers other good conſiderations us thereunto ſpecially mouing, We of our grace eſpeciall, certain knowledge, and meere motion, haue giuen and graunted, and by theſe preſents for us, our heires and ſucceſſors, doe give and graunt free libertie, power, and full authoritie to the ſayd *Adrian Gylbert*, and to any other perſon by him or his heires to be aſſigned, and to thoſe his aſſociates and aſſiſtants, whoſe names are written in a ſedule hereunto annexed, and to their heires, and to one aſſignee of eche of them, and eche of their heires at all times, and at any time or times after the date of theſe preſents, under our Banners and Enſignes freely, without let, interruption, or reſtraint of us, our heires or ſucceſſors, any lawe, ſtatute, proclamation, patent, charter

ter, or prouiſo to the contrary notwithſtanding, to ſayle, make voyage, and by any manner of meanes to paſſe and to depart out of this our Realme of Englande, or any our Realmes, Dominions, or Territories into all or any Iſles, Countries, Regions, Prouinces, Territories, Seas, Riuers, Portes, Bayes, Creekes, armes of the Sea, and all Hauens, and all maner of other places whatſoeuer, that by the ſayd North-weſtward, North-eaſtward, or Northward, is to be by him, his aſſociates or aſſigns diſcouered, and for and in the ſayde ſayling, voyage, and paſſage, to haue and uſe ſo many Ships, Barks, Pinneſſes, or other veſſels of any quantitie or burthen, with all the furniture of men, victuals, and all maner of neceſſary prouiſion, armour, weapons, ordinance, targets, and appurtenances whatſoeuer, as to ſuch a voyage ſhall or may be requiſite, conuenient or commodious, any lawe, ſtatute, ordinance or prouiſo to the contrarie thereof notwithſtanding. And alſo wee doe give and graunt to the ſayde *Adrian Gylbert*, and his ſayd aſſociates, and to ſuch aſſignee of him, and his heires, and to the heires and one aſſignee of euery of his ſayde aſſociates for euer, full power and abſolute authoritie to trade and make their reſiance in any of the ſaid Iſles, Countries, Regions, Prouinces, Territories, Seas, Rivers, Portes, Bayes, and Hauens, and all maner of other places whatſoeuer, with all commodities, profites, and emoluments in the ſayd place or any of them, growing and ariſing, with all maner of priuiliges, prerogatives, iuriſdictions and royalties both by ſea and land whatſoeuer, yeelding and paying therefore unto us, our heires and ſucceſſors, the tenth part of all ſuch golde and ſiluer oare, pearles, iewels, and precious ſtones, or the value thereof, as the ſayd *Adrian Gylbert* and his ſaid aſſociates, their heires and aſſignes, ſeruants, factors, or workmen, and euery or any of them ſhall finde, the ſayd tenth to be deliuered duely to our Cuſtomer or other officers by us, our heires or ſucceſſors thereunto aſſigned, in the Portes of London, Dartmouth, or Plymouth, at which three places onely the ſayd *Adrian Gylbert*, and his ſayd aſſociates, their ſayd heires and aſſignes, ſhall lade, charge, arriue, and diſcharge all maner of wares, goods, and merchandizes whatſoeuer to the ſayd voyage and newe trade belonging or appertaining. And moreouer, we haue giuen, graunted, and authorized, and by theſe preſents for us, our heires, and ſucceſſors, of our grace eſpeciall, certaine knowledge, and meere motion, doe give, graunt, and authoriſe the ſaid *Adrian Gylbert*, and his ſayd aſſociates for euer, their heires, and their ſayde aſſignes and euery of them, that if the aforeſayd Iſles, Countries, Regions, Prouinces, Territories, Seas, Riuers, Portes, Bayes, or Hauens, or any other of the premiſſes by the ſayd *Adrian Gylbert* or his aſſociates, their heires and their ſayd aſſignes, or any of them to be found by them diſcouered and traffiked unto by any trade as aforeſayd, ſhall be by any other our ſubiects viſited, frequented, haunted, traded unto or inhabited by the wayes aforeſayd, without the ſpeciall licence in writing of the ſayd *Adrian Gylbert* and his aſſociates, and their heires and aſſignes for euer, or by the moſt part of them,

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ſo that the ſayd *Adrian Gylbert*, his heires or aſſignes be one of them, that then as well their ſhippe or ſhippes in any ſuch voyage or voyages uſed, as all and ſingular their goods, wares, and marchandizes, or any other things whatſoeuer, from or to any of the places aforeſaid tranſported, that ſo ſhall preſume to viſit, frequent, haunt, trade unto, or inhabite, ſhall be forfaited and confiſcated, *ipſo facto*, the one halfe of the ſame goods and marchandizes, or other things whatſoeuer, or the value thereof to be to the uſe of us, our heires or ſucceſſors, and the other moytie thereof to be to the uſe of the ſayd *Adrian Gylbert*, and his ſayd aſſociates, their heires and aſſignes for euer : and unto the ſaid *Adrian Gylbert* and his ſaid aſſociates, their heires and aſſignes, wee impoſe, give, aſſigne, create and confirme this name peculiar to be named by, to ſue and to be ſued by, that is to wit, by the name of the Colleagues of the fellowſhip for the diſcouerie of the North-weſt paſſage, and them for us, our heires and ſucceſſours by that name doe incorporate, and doe erect and create as one body corporate to haue continuance for euer. Moreouer unto the ſayd *Adrian Gylbert*, and his ſayd aſſociates, and unto their heires and their ſaid aſſignes for euer, by the name of the Colleagues of the fellowſhip for the diſcouerie of the North-weſt paſſage, we haue giuen, graunted, and confirmed, and doe by theſe preſents giue, graunt, and confirme full power and authoritie from time to time, and at all times hereafter, to make order, decree, and enact, conſtitute and ordeine, and appoint all ſuch ordinances, orders, decrees, lawes, and acts, as the ſayd newe corporation or body politique, Colleagues, of the fellowſhip for the diſcouerie of the North-weſt paſſage, ſhall thinke meete, neceſſary, and conuenient, ſo that they or any of them be not contrary to the lawes of this realme, and of this our preſent graunt.

And wee by our Royall prerogatiue, and fulneſſe of our authoritie of our grace eſpeciall, certaine knowledge and meere motion, doe eſtabliſh, confirme and ratifie all ſuch ordinances, orders, decrees, lawes and acts to be in ſo full and great power and authoritie, as we, our heires or ſucceſſors may or can in any ſuch caſe graunt, confirme, or ratifie. And further for the better incouragement of our louing ſubiects in this diſcouerie, wee by our Royall prerogatiue, and fulneſſe of authoritie for us, our heires and ſucceſſors, doe giue, graunt, eſtabliſh, confirme, ordeine, ratifie and allowe by theſe preſents, to the ſaid *Adrian Gylbert* and to his aſſociates, and to the heires and aſſignes of them and euery of them for euer, and to all other perſon or perſons of our louing ſubiects whatſoeuer that ſhall hereafter trauell, ſayle, diſcover, or make voyage as aforeſayd to any the Iſles, Mainelands, Countries or Territories whatſoeuer, by vertue of this our graunt to be diſcouered, that the heires and aſſignes of them and euery of them being bornewithin any of the Iſles, Mainelands, and Countries, or Territories whatſoeuer before mentioned, ſhall haue and injoy all the priuileges of free Denizens, as perſons natiue borne within this our Realme of England, or within our allegiance for euer, in ſuch like ample maner and forme, as if they were

or

or had bene borne and perſonally reſiant within our ſayd Realme, any lawe, ſtatute, proclamation, cuſtome or uſage to the contrarie hereof in any wiſe notwithſtanding. Moreouer, for the conſideration aforeſayd by vertue hereof, wee giue and graunt vnto the ſayd *Adrian Gylbert*, his heires and aſſignes for euer, free libertie, licence and priuilege, that during the ſpace of fiue yeeres next and immediatly enſuing the date hereof, it ſhall be not lawfull for any perſon or perſons whatſoeuer, to viſite, haunt, frequent, trade or make voyage to any Iſles, Mainelands, Countries, Regions, Prouinces, Territories, Seas, Riuers, Portes, Bayes, and Hauens, nor to any Hauens or places whatſoeuer hitherto not yet diſcouered by any of our ſubiects by vertue of this graunt to be traded unto, without the ſpeciall conſent and good liking of the ſayd *Adrian Gylbert*, his heires or aſſignes firſt had in writing. And if any perſon or perſon or perſons of the aſſociates of the ſayd *Adrian*, his heires or aſſignes, or any other perſon or perſons whatſoeuer, free of this diſcouerie, ſhall doe any act or acts contrary to the tenor and true meaning hereof, during the ſpace of the ſayd fiue yeeres, that then the partie and parties ſo offending, they and their heires ſhall looſe *(ipſo facto)* the benefite and privilege of this our graunt, and ſhall ſtand and remaine to all intents and purpoſes as perſons exempted out of this graunt: And further by vertue hereof, we give and graunt for us, our heires and ſucceſſors at all times during the ſpace of fiue yeeres next enſuing the date hereof, free libertie and licence, and full authoritie to the ſayd *Adrian Gylbert*, and his heires and aſſignes, that if it ſhall happen any one or moe in any ſhippe or ſhippes ſayling on their ſayd voyage, to become mutinous, ſeditious, diſorderly, or any way unruly to the preiudice or hinderance of the hope for ſucceſſe in the attempt or proſecuting of this diſcouerie or trade intended, to uſe or execute upon him or them ſo offending, ſuch puniſhment, correction, or execution as the cauſe ſhall be found in iuſtice to require by the verdit of twelue of the companie ſworne thereunto, as in ſuch a caſe appertaineth: That expreſſe mention of the certainete of the premiſes, or of other gifts or graunts by us to the ſayd *Adrian Gilbert* and his aſſociates before this time made is not mentioned in theſe preſents, or any other lawe, act, ſtatute, prouiſo, graunt, or proclamation heretofore made or hereafter to be made to the contrary hereof in any wiſe notwithſtanding. In witneſſe whereof, we haue cauſed theſe our Letters to be made patents. Witneſſe ourſelfe at Weſtminſter, the ſixt day of Februarie, in the ſixe and twentie yeere of our Reigne.

LETTER

LETTER *from Sir* HUMPHREY GILBERT *to Sir* GEORGE PECKHAM.

[Purchas. Vol. III. p. 808.]

SIR GEORGE, I departed from *Plymouth* on the eleuenth of June with fiue ſailes, and on the thirteenth the Barke *Rawley* ran from me in faire and cleere weather, hauing a large winde. I pray you ſolicit my brother *Rawley* to make them an Example of all Knaues. On the third of Auguſt wee arriued at a Port called Saint *John's*, and will put to the Seas from thence (God willing) ſo ſoone as our ſhips will be ready. Of the *New-found-Land* I will ſay nothing, untill my next Letters. Be of good cheare, for if there were no better Expectation, it were a very rich demaynes, the countrey being very good, and full of all ſorts of victuall, as fiſh, both of the freſh water and Sea fiſh, Deere, Pheaſants, Partridges, Swannes, and diuers Fowles. I am in haſte, you ſhall by euery Meſſenger heare more at large. On the fifth of Auguſt, I entred here in the right of the Crowne of *England*, and have engrauen the armes of *England;* diuers *Spaniards*, *Portugals*, and other Strangers, witneſſing the ſame. I can ſtay no longer; fare you well with my good Lady: and be of good cheare, for I have comforted my ſelfe, anſwerable to all my hopes. From Saint *John's* in the *New-found-Land*, the 8th of Auguſt, 1583.

Yours wholly to command,

No Man more,

HUM. GILBERT.

A LETTER *written from* M. THOMAS ALDWORTH, *Merchant, and then* Maior *of the Citie of* Briſtow, *to the Right Honourable Sir* FRANCIS WALSINGHAM *principal Secretarie to her* MAIESTIE, *concerning a Weſtern Voyage intended for diſcoueries in* America.

[Hakluyt. p. 718. A. D. 1585.]

RIGHT HONOURABLE, upon the receit of your letters directed unto mee and deliuered by the bearer hereof M. Richard Hakluyt and M. Stevenſon, bearing date

date the 11. of March, I preſently conferred with my friends in priuate, whom I know moſt affectionate to this godly enterpriſe, eſpecially with M. William Salterne deputie of our companie of merchants: whereupon my ſelfe being as then ſicke, with as conuenient ſpeed as he could, he cauſed an aſſemblie of the merchants to be gathered, where after dutifull mention of your honourable diſpoſition for the benefite of this citie, he by my appointment cauſed your letters being directed unto me priuatly, to be read in publike, and after ſome good light giuen by M. Hakluyt unto them that were ignorant of the country and enterpriſe, and were deſirous to be reſolued, the motion grew generally ſo well to bee liked, that there was eftſoones ſet down by mens owne hands then preſent, and apparantly knowen by their owne ſpeach, and very willing offer, the ſumme of 1000 markes and upward: which ſumme if it ſhould not ſuffice, we doubt not but otherwiſe to furniſh out for this Weſtern diſcouerie, a ſhip of three ſcore, and a barke of 40 tunne, to be left in the countrey under the direction and gouernment of your ſonne in law M. Carliſle, of whom we haue heard much good, if it ſhal ſtand with your honours good liking and his acceptation. In one of which barks we are alſo willing to haue Maſter Steeuenton your honours meſſenger, and one well known to us, as captaine. And here in humble maner, deſiring your honor to vouchſafe us of your further direction by a general letter to my ſelfe, my brethren, and the reſt of the merchants of this citie, at your honors beſt and moſt conuenient leiſure, becauſe we meane not to deferre the finall proceeding in this voiage, any further than to the end of April next comming, I ceaſe, beſeeching God long to bleſſe and proſper your honourable eſtate. *Briſtow, March* 27, 1583.

The LETTERS PATENTS, *graunted by the* QUEENES MAIESTIE *to* M. WALTER RALEGH *now Knight, for the diſcouering and planting of new Lands and Countreis, to continue the ſpace and time of* 6 *Yeeres, and no more.*

[Hackluyt.]

ELIZABETH by the Grace of God of England, Fraunce and Ireland Queene, defender of the faith, &c. To all people to whome theſe preſents ſhall come, greeting. Knowe yee that of our eſpecial grace, certaine ſcience, and meere motion, we haue given and graunted, and by theſe preſents for us, our heires and ſucceſſors, we giue and graunt to our truſtie and welbeloued ſeruant *Walter Ralegh* Eſquire, and to his heires and aſſignes for euer, free libertie and licence from time to time, and at all times for euer hereafter, to diſcouer, ſearch, finde out, and view ſuch

ſuch remote, heathen and barbarous lands, countreis, and territories, not actually poſſeſſed of any Chriſtian Prince, nor inhabited by Chriſtian People, as to him, his heires and aſſignes, and to euery or any of them ſhall ſeeme good, and the ſame to haue, holde, occupie and enjoy to him, his heires and aſſignes for euer, with all prerogatiues, commodities, juriſdictions, royalties, priuileges, franchiſes, and preheminences, thereto or thereabouts both by ſea and land, whatſoeuer we by our letters patents may graunt, and as we or any of our noble progenitors haue heretofore graunted to any perſon or perſons, bodies politique or corporate: and the faid *Walter Ralegh*, his heires and aſſignes, and all ſuch as from time to time, by licence of us, our heires and ſucceſſors, ſhall goe or trauaile thither to inhabite or remaine, there to build and fortifie, at the diſcretion of the ſaide *Walter Ralegh*, his heires and aſſignes, the ſtatutes or acte of Parliament made againſt fugitiues, or againſt ſuch as ſhall depart, remaine or continue out of our Realme of England without licence, or any other ſtatute, acte, lawe, or any ordinance whatſoeuer to the contrary in any wiſe notwithſtanding.

And we do likewiſe by theſe preſents, of our eſpecial grace, meere motion, and certain knowledge, for us, our heires and ſucceſſors, giue and graunt full authoritie, libertie and power to the ſaid *Walter Ralegh*, his heires and aſſignes, and euery of them, that he and they, and euery or any of them, ſhall and may at all and euery time, and times hereafter, haue, take, and leade in the ſaide voyage, and trauaile thitherward, or to inhabit there with him, or them, and euery or any of them, ſuch and ſo many of our ſubjects as ſhall willingly accompanie him or them, and euery or any of them to whom alſo we doe by theſe preſents, giue full libertie and authority in that behalfe, and alſo to haue, take, and employ, and vſe ſufficient ſhipping and furniture for the Tranſportations and Nauigations in that behalfe, ſo that none of the ſame perſons or any of them, be ſuch as hereafter ſhall be reſtrained by us, our heires, or ſucceſſors.

And further that the ſaide *Walter Ralegh*, his heires and aſſignes, and euery of them, ſhall haue, holde, occupie, and enioye to him, his heires and aſſignes, and euery of them for euer, all the ſoile of all ſuch landes, territories, and Countreis, ſo to bee diſcouered and poſſeſſed as aforeſaide, and of all ſuch Cities, caſtles, townes, villages, and places in the ſame, with the right, royalties, franchiſes, and iuriſdictions, as well marine as other within the ſaide landes, or Countreis, or the ſeas thereunto adioyning, to be had, or uſed, with full power to diſpoſe thereof, and of euery part in fee ſimple or otherwiſe, according to the order of the lawes of England, as neere as the ſame conueniently may bee, at his, and their will and pleaſure, to any perſons then being, or that ſhall remaine within the allegiance of us, our heires, and ſucceſſors: reſeruing always to us our heires, and ſucceſſors, for all ſeruices, duties, and demaundes, the fift part of all the oare of golde and ſiluer, that from time to time, and at all times after ſuch diſcouerie, ſubduing and poſſeſſing, ſhal be there gotten and

 obtained:

obtained: All which landes, Countreis, and territories, ſhall for euer be holden of the ſaid *Walter Ralegh*, his heires and aſſignes, of us, our heirs and ſucceſſors, by homage, and by the ſaid paiment of the ſaid fift part, reſerued onely for all ſervices.

And moreouer, we doe by theſe preſents, for us, our heires and ſucceſſors, giue and graunt licence to the ſaid *Walter Ralegh*, his heirs, and aſſignes, and euery of them, that he, and they, and euery or any of them, ſhall and may from time to time, and at all times for euer hereafter, for his and their defence, encounter and expulſe, repell and reſiſt as well by ſea as by lande, and by all other wayes whatſoeuer, all, and every ſuch perſon and perſons whatſoeuer, as without the eſpeciall liking and licence of the ſaide *Walter. Ralegh*, and of his heires and aſſignes, ſhall attempt to inhabite within the ſaid Countreis, or any of them, or within the ſpace of two hundreth leagues neere to the place or places within ſuch Countreis as aforeſaid (if they ſhall not bee before planted or inhabited within the limits as aforeſaide with the ſubjects of any Chriſtian Prince being in amitie with us) where the ſaide *Walter Ralegh*, his heires, or aſſignes, or any of them, or his, or their or any of their aſſociates or company, ſhall within ſixe yeeres (next enſuing) make their dwellings or abidings, or that ſhall enterpriſe or attempt at any time hereafter unlawfully to annoy, either by ſea or lande, the ſaide *Walter Ralegh*, his heirs or aſſignes, or any of them, or his or their, or any of his or their companies: giuing, and graunting by theſe preſents further power and authoritie, to the ſaid *Walter Ralegh*, his heirs and aſſignes, and euery of them from time to time, and at all times for euer hereafter, to take and ſurpriſe by all maner of meanes whatſoeuer, all and euery thoſe perſon or perſons, with their ſhippes, veſſels, and other goods and furniture, which without the licence of the ſaide *Walter Ralegh*, or his heires, or aſſignes, as aforeſaide, ſhalbe founde trafiquing into any harbour, or harbors, creeke, or creekes, within the limits aforeſaide, (the ſubjects of our Realms and Dominions, and all other perſons in amitie with us, trading to the *Newfound lands* for fiſhing as heretofore they haue commonly uſed, or being driuen by force of a tempeſt, or ſhipwracke onely excepted:) and thoſe perſons, and euery of them, with their ſhippes, veſſels, goods and furniture to deteine and poſſeſſe as of good and lawfull prize, according the diſcretion of him the ſaide *Walter Ralegh*, his heires, and aſſignes, and euery, or any of them. And for vniting in more perfect league and amitie, of ſuch Countreis, landes, and territories ſo to bee poſſeſſed and inhabited as aforeſaide with our Realmes of Englande, and Ireland, and the better incouragement of men to theſe enterpriſes: we do by theſe preſents, graunt and declare that all ſuch Countreis, ſo hereafter to be poſſeſſed and inhabited as is aforeſaide, from thencefoorth ſhall bee of the allegiance of vs, our heires and ſucceſſours. And wee doe graunt to the ſaide *Walter Ralegh*, his heires, and aſſignes, and to all, and euery of them, and to all and euery other perſon, and perſons being of our allegi-

ance, whoſe names ſhall be noted or entred in ſome of our Courtes of recorde within our Realme of Englande, that with the aſſent of the ſaide *Walter Ralegh*, his heires or aſſignes, ſhall in his iourneis for diſcouerie, or in the iourneis for conqueſt, hereafter traueile to ſuch lands, countreis and territories, as aforeſaide, and to their, and to euery of their heires, that they, and every or any of them, being either borne within our ſaide Realmes of Englande, or Irelande, or in any other place within our allegiance, and which hereafter ſhall be inhabiting within any the lands, Countreis, and territories, with ſuch licence (as aforeſaide) ſhall and may haue all the priuiledges of free Denizens, and perſons natiue of England, and within our allegiance in ſuch like ample maner and fourme, as if they were borne and perſonally reſident within our ſaid Realme of England, any lawe, cuſtome, or vſage to the contrary notwithſtanding.

And for aſmuch as upon the finding out, diſcouering, or inhabiting of ſuch remote lands, countreis, and territories as aforeſaid, it ſhal be neceſſary for the ſafetie of al men, that ſhal aduenture them ſelues in thoſe iournies or voyages, to determine to liue together in Chriſtian peace, and ciuil quietnes ech with other, wherby euery one may with more pleaſure and profit enioy that whereunto they ſhall attaine with great paine and perill, we for vs, our heires and ſucceſſors, are likewiſe pleaſed and contented, and by theſe preſents do giue and graunt to the ſaid *Walter Ralegh*, his heires and aſſignes for ever, that hee and they, and euery or any of them, ſhall and may from time to time for euer hereafter, within the ſaid mentioned remote landes and Countreis in the way by the ſeas thither, and from thence, haue full and meere power and authoritie to correct, puniſh, pardon, gouerne, and rule by their and euery or any of their good diſcretions and pollicies, as well in cauſes capital, or criminall, as ciuil, both marine and other, all ſuch our ſubiects as ſhall from time to time aduenture themſelves in the ſaid iournies or voyages, or that ſhall at any time hereafter inhabite any ſuch landes, countreis, or territories as aforeſaide, or that ſhall abide within 200. leagues of any of the ſaide place or places, where the ſaide *Walter Ralegh*, his heires or aſſignes, or any of them, or any of his or their aſſociats or companies, ſhall inhabite within 6. yeeres next enſuing the date hereof, according to ſuch ſtatutes, lawes and ordinances, as ſhall bee by him the ſaide *Walter Ralegh* his heires and aſſignes, and euery or any of them deuiſed, or eſtabliſhed, for the better governement of the ſaid people as aforeſaid. So always as the ſaid ſtatutes, lawes, and ordinances may be as neere as conueniently may be, agreeable to the forme of the lawes, ſtatutes, governement, or pollicie of England, and alſo ſo as they be not againſt the true Chriſtian faith, nowe profeſſed in the Church of England, nor in any wiſe to withdrawe any of the ſubiects or people of thoſe landes or places from the allegiance of vs, our heires and ſucceſſours, as their immediate Soueraigne vnder God.

And further, wee doe by theſe preſents for vs, our heires and ſucceſſors, giue and graunt full power and authoritie to our truſtie and welbeloued counſailer ſir *William Cicill*

Cicill knight, Lorde *Burghley*, our high Treaſourer of England, and to the Lorde Treaſourer of England, for vs, our heires and ſucceſſors for the time being, and to the priuie Counſell, of vs, our heirs and ſucceſſours, or any foure or more of them for the time being, that hee, they, or any foure or more of them, ſhall and may from time to time, and at all times hereafter, vnder his or their handes or ſeales by vertue of theſe preſents, authoriſe and licence the ſaide *Walter Ralegh*, his heires and aſſignes, and euery or any of them by him, and by themſelues, or by their, or any of their ſufficient Atturnies, deputies, officers, miniſters, factors, and ſeruants, to imbarke and tranſport out of our Realme of England and Ireland, and the Dominions thereof all, or any of his, or their goods, and all or any the goods of his and their aſſociats and companies, and euery or any of them, with ſuch other neceſſaries and commodities of any our Realmes, as to the ſaide Lorde Treaſourer, or foure or more of the priuie Counſaile, of vs, our heires and ſucceſſors for the time being (as aforeſaide) ſhalbe from time to time by his or their wiſdomes, or diſcretions thought meete and conuenient, for the better reliefe and ſupportation of him the ſaide *Walter Ralegh*, his heires, and aſſignes, and euery or any of them, and of his or their or any of their aſſociats and companies, any acte, ſtatute, lawe, or other thing to the contrary in any wiſe notwithſtanding.

Provided alwayes, and our will and pleaſure is, and wee do hereby declare to all Chriſtian kings, princes and ſtates, that if the ſaide *Walter Ralegh*, his heires or aſſignes, or any of them, or any other by their licence or appointment, ſhall at any time or times hereafter, robbe or ſpoile by ſea or by lande, or do any acte of unjuſt or unlawful hoſtilitie, to any of the ſubjects of vs, our heires or ſucceſſors, or to any of the ſubjects of any the kings, princes, rulers, governors, or eſtates, being then in perfect league and amitie with us, our heires and ſucceſſors, and that upon ſuch injury, or upon iuſt complaint of any ſuch prince, ruler, governour, or eſtate, or their ſubiects, wee, our heires and ſucceſſours, ſhall make open proclamation within any the portes of our Realme of England, that the ſaide *Walter Ralegh*, his heires and aſſignes, and adherents, or any to whome theſe our letters patents may extende, ſhall within the termes to be limitted, by ſuch proclamation, make full reſtitution, and ſatisfaction of all ſuch injuries done, ſo as both we and the ſaid princes, or other ſo complayning, may holde vs and themſelues fully contented. And that if the ſaide *Walter Ralegh*, his heires and aſſignes, ſhall not make or cauſe to be made ſatisfaction accordingly, within ſuch time ſo to bee limitted, that then it ſhall be lawfull to us our heires and ſucceſſors, to put the ſaide *Walter Ralegh*, his heires and aſſignes and adherents, and all the inhabitants of the ſaid places to be diſcouered (as is aforeſaide) or any of them out of our allegiance and protection, and that from and after ſuch time of putting out of protection the ſaid *Walter Ralegh*, his heires, aſſignes and adherents, and others ſo to be put out, and the ſaid places within

in

in their habitation, poſſeſſion and rule, ſhal be out of our allegeance and protection, and free for all princes and others, to purſue with hoſtilitie, as being not our ſubiects, nor by vs any way to be auouched, maintained or defended, nor to be holden as any of ours, nor to our protection or dominion, or allegiance any way belonging, for that expreſſe mention of the cleer yeerely value of the certaintie of the premiſſes, or any part thereof, or of any other gift, or grant by vs, or any our progenitors, or predeceſſors to the ſaid *Walter Ralegh*, before this time made in theſe preſents be not expreſſed, or any other grant, ordinance, prouiſion, proclamation, or reſtraint to the contrarye thereof, before this time giuen, ordained, or prouided, or any other thing, cauſe, or matter whatſoeuer, in any wiſe notwithſtanding. In witneſs whereof, we haue cauſed theſe our letters to be made patents. Witneſſe our ſelues, at *Weſtminſter*, the 25. day of March, in the ſixe and twentieth yeere of our Raigne.

The Names of thoſe who compoſed the firſt Engliſh Colony which ſettled in Virginia; *who were, by Agreement, to remain there one whole Year at leaſt.*

[Taken from Hackluyt.]

Maſter Philip Amades, Admiral of the countrie.
Maſter Hariot.
Maſter Acton.
Maſter Edward Stafford.
Thomas Luddington.
Maſter Marcuyn.
Maſter Gardyner.
Captaine Vaughan.
Maſter Kendall.
Maſter Prideox,
Robert Holecroft.
Riſe Courtney.
Maſter Hugh Rogers.
Maſter Thomas Haruie.
Maſter Snelling.
Maſter Anthony Ruſſe.
Richard Gilbert.
Stephen Pomarie.
John Brocke.
Bennet Harrye.
James Stevenſon.
Charles Stevenſon.
Chriſtopher Lowde.
Jeremy Man.
James Maſon.
Dauid Salter.
Richard Ireland.
Thomas Bookener.
William Philippes.
Randal Mayne.
James Skinner.
George Eſeuen.
John Chaundeler.

Maſter

Maſter Alleyne.
Maſter Michel Polyſon.
John Cage.
Thomas Parre.
William Randes.
Geffery Churchman.
William Farthowe.
John Taylor.
Philippe Robyns.
Thomas Phillippes.
Valentine Beale.
Thomas Foxe.
Edward Nugen.
Darby Glande.
Edward Kelle.
John Goſtigo.
Eraſmus Clefs.
Edward Ketcheman.
John Linſey.
Thomas Rottenbury.
Roger Deane.
John Harris.
Frauncis Norris.
Matthewe Lyne.
Edward Kettell.
Thomas Wiſſe.
Robert Biſcombe.
William Backhouſe.
William White.
Henry Potkin.
Dennis Barnes,
Joſeph Borges.
Doughan Gannes.
William Tenche.
Randall Latham.
Thomas Hulme.
Walter Myll,

Philip Blunt.
Richard Poore.
Robert Young.
Marmaduke Conſtable.
Thomas Heſket.
William Waſſe.
John Feuer.
Daniel.
Thomas Taylor.
Richard Humfrey.
John Wright.
Gabriel North.
Bennet Chappell.
Richard Sare.
James Laſie.
Smolkin.
Thomas Smart.
Robert.
John Euans.
Roger Large.
Humfrey Garden.
Frauncis Whitton.
Rowland Griffyn.
William Millard.
John Twyt.
Edward Sekelmore.
John Anwicke,
Chriſtopher Marſhall.
David Williams.
Nicholas Swabber.
Edward Chipping.
Sylveſter Beching.
Vincent Cheyne.
Haunce Walters.
Edward Barecombe.
Thomas Skeuelabs.
William Walters.

The foregoing perſons arrived in Virginia in June 1585, and returned to England in June 1586.

The

The Names of all the Men, Women and Children, which ſafely arrived in Virginia, and remained to inhabite there. 1587. *Anno Regni Reginæ Elizabethæ.* 29.

[Taken from Hackluyt.]

John White.
Roger Bailie.
Ananias Dare.
Chriſtopher Cooper.
Thomas Stevens.
John Sampſon.
Dyonis Haruie.
Roger Prat.
George Howe.
Simon Fernando.
Nicholas Johnſon.
Thomas Warner.
Anthony Cage.
John Jones.
William Willes.
John Brooke.
Cuthbert White.
John Bright.
Clement Taylor.
William Sole.
John Cotſmur.
Humfrey Newton.
Thomas Colman.
Thomas Gramme.
Marke Bennet.
John Gibbes.
John Stilman.
Robert Wilkinſon.

Robert Little.
Hugh Taylor.
Richard Wildye.
Lewis Wotton.
Michael Biſhop.
Henry Browne.
Henry Rufoote.
Richard Tomkins.
Henry Dorrell.
Charles Florrie.
Henry Mylton.
Henry Payne.
Thomas Harris.
William Nicholes.
Thomas Pheuens.
John Borden.
Thomas Scot.
Peter Little.
John Wyles.
Brian Wyles.
George Martyn.
Hugh Pattenſon.
Martyn Sutton.
John Farre.
John Bridger.
Griffen Jones.
Richard Shaberdge.
James Laſie.

* Virginia Dare, Haruye } Children born in Virginia.

Manteo, Towaye } Savages that were in Englande and returned home into Virginia with them.

John

* She was born at Roanoke in 1587, and was the firſt Engliſh Child born in Virginia.

John Tydway.	John Cheuen.	
Ambroſe Viccars.	Thomas Hewet.	
Edmond Engliſh.	William Berde.	
Thomas Topan.	Elyoner Dare.	Women.
Henry Berrye.	Margery Haruie.	
Richard Berrye.	Agnes Wood.	
John Spendloue.	Wenefrid Powel.	
John Hemmington.	Joyce Archard.	
Thomas Butler.	Jane Jones.	
Edward Powell.	Elizabeth Glane.	
John Burden.	Jane Pierce.	
James Hynde.	Audry Tappan.	
Thomas Ellis.	Aliſe Chapman.	
William Browne.	Emme Merrimoth.	
Michael Myllet.	Colman.	
Thomas Smith.	Margaret Lawrence.	
Richard Kemme.	Joan Warren.	
Thomas Harris.	Jane Mannering.	
Richard Tauerner.	Roſe Payne.	
John Earneſt.	Elizabeth Viccars.	
Henry Johnſon.	John Sampſon.	Boys and Children.
John Starte.	Robert Ellis.	
Richard Darige.	Ambroſe Viccars.	
William Lucas.	Thomas Archard.	
Arnold Archard.	Thomas Humfrey.	
John Wright.	Tomas Smart.	
William Dutton.	George Howe.	
Morris Allen.	John Prat.	
William Waters.	William Wythers.	
Richard Arthur.		
John Chapman.		
William Clement.		

AN ASSIGNMENT *from Sir* WALTER RALEIGH, *to diuers Gentlemen, and Merchants of* London, *for the inhabiting amd planting of our People in Virginia.*

[Hackluyt, Edit. 1589. Page 815.]

THIS Indenture made the 7 of March, in the 31 yeere of the raigne of our Soueraigne Lady Elizabeth by the grace of God of England, France and Ireland Queene, defender of the fayth &c. between the right worſhipfull Sir Walter Raleigh, of Colaton Raleigh, in the County of Devon knight, Lord warden of the Stanarie, and chiefe gouvernour of *Aſſamacomock* alias *Wingandacoia*, alias *Virginia*, on the one partie, and Thomas Smith, William Sanderſon, Walter Bayly, William Gamage, Edmund Neuil, Thomas Harding, Walter Marler, Thomas Martin, Gabriel Harris, William George, William Stone, Henry Fleetwood, John Gerrard, Robert Macklyn, Richard Hackluyt, Thomas Hoode, Thomas Wade, Richard Wright, Edmund Walden, merchants of London, and aduenturers to Virginia aforeſayd, John Whyte, Roger Baylye, Ananias Dare, Chriſtopher Cooper, John Samſon, Thomas Steevens, Roger Pratt, Dioniſe Haruie, John Nichols, Humfrey Dimmocke, late of London, Gentlemen, of the other partie, witneſſeth, that whereas Sir Walter Raleigh knight by vertue of the Queenes Majeſties letters patents dated at Weſtminſter, the 25 day of Marche, in the 26 yeere of her highnes raigne, vnto him the ſayd Sir Walter Raleigh, by the name of her maieſties truſty and welbeloued Seruant Water Raleigh Eſquire, granted for the diſcouering, finding out and planting of vnknowen and remote lands, and countries, as by the ſayd letters pattents, at large doeth, and may more plainely appeare; hath by this indenture of graunt bearing date after the computation of England the 7. day of Januarie in the yeere of our Lorde God 1587. and in the 29. yeere of the raigne of our Soueraigne Lady Queene Elizabeth, made betwixt him the ſaid Sir Walter Raleigh knight of the one partie, and John White, Roger Baylye, Ananias Dayre, Chriſtopher Cooper, John Sampſon, Thomas Steeuens, William Fulwood, Roger Pratt, Dioniſe Haruie, John Nichols, George Howe, James Plat, and Simon Fernando of London, Gentiemen of the other partie, graunted unto the ſaid John White, Roger Baylye, and the reſt, free libertie to carrie with them into the late diſcouered barbarous lande, and countrie, called *Aſſamacomock*, alias *Wingandacoia*, alias *Virginia*, there to inhabite with them ſuch, and ſo many of her Maieſties Subiects, as ſhall willingly accompany them, together with ſufficient ſhipping and furniture for the ſame, and alſo diuers and ſundrie

drie other prerogatiues, iuriſdictions, royalties and preheminencies, as in, and by the ſaid indenture of graunt it doeth, and may more at large alſo appeare: Nowe the ſaide Thomas Smith, William Sanderſon, Walter Baylye, William Gamage, Edmund Neuill, Thomas Harding, Walter Marler, Thomas Martin, Gabriel Harris, William George, William Stone, Henry Fleetewood, John Gerrard, Robert Macklin, Richard Hackluyt, Thomas Hood, Thomas Wade, Richard Wright, Edmund Walden, and others, aduenturers as aforeſayde purpoſing and intending to be made free of the corporation, companie and ſocietie lately made by the ſayd Sir Walter Raleigh, in the Citie of Raleigh, intended to be erected and builded in *Aſamacomock*, alias *Wingandacoia*, alias *Virginia* aforeſaid, as by his ſaid Indenture made to the ſaid John White, Roger Bayly and the reſt more at large it doth appeare, doe vpon the ſealing, effecting, and confirmation of theſe patents adventure divers and ſundry ſums of money, merchandiſes, and ſhiping, munition, victual, and other commodities into the ſaid forraine and remote country of *Aſſamacomock*, alias *Wingandacoia*, alias *Virginia* aforeſaid; in conſideration as wel of which adventure, as alſo for diuers and ſundry other good cauſes, and conſiderations him the ſayde Sir Walter Raleigh thereunto eſpecially mouing, The ſayd Sir Walter Raleigh hath given graunted, couenanted and promiſed, and by theſe preſents for himſelfe, his heyres and aſſignes, and euery of them, doth give, graunt, couenant,, and promiſe, to and with the ſaid Thomas Smith, William Sanderſon, Walter Bayly, William Gamage, Edmund Neuil, Thomas Harding, Walter Marler, Thomas Martin, Gabriel Harris, William George, William Stone, Henry Fleetewood, John Gerrard, Robert Macklyn, Richard Hackluyt, Thomas Hoode, Thomas Wade, Richard Wright, Edmund Walden, and others aduenturers afoyeſayde, and unto and with the ſayd John White, Roger Baylye, Ananias Dayre, Chriſtopher Cooper, John Samſon, Thomas Steevens, Roger Prat, Dioniſe Haruie, John Nichols, Humfrey Dimmocke, and every of them, their heyres and aſſignes, and the heyres and aſſignes of euery of them, and their, and euery of their Deputies, Factors or Apprentices, who ſhall ſerve them or any of them, by the ſpace of ſeuen yeeres, that they, and euery, or any of them, ſhall from time to time, and at all times for euer have free trade and traffique for all manner of merchandize or commodities whatſoeuer, vnto, in, and from all that part of *America* called *Aſamacomock*, alias *Wingandacoia*, alias *Virginia* aforeſayde, or vnto, or from any other part, or countrie of, or in *America* aforeſayde, where hee the ſayde Sir Walter Raleigh his heyres or aſſignes, or any other perſon or perſons clayming or pretending any manner of right, title or intereſt, or which hereafter ſhall or may claime or pretend any right, title or intereſt, by, from, or under him the ſayde Sir Walter Raleigh, hath, challengeth, claymeth, or may or ſhall hereafter, haue, chaleng, or clayme, any intereſt, iuriſdiction, title, rule, or priviledge, by any conueiance, or diſcouerie heretofore made,

or hereafter to be made, or by any other waye or meanes whatſoeuer. And further the ſayde Sir Walter Raleigh, as well for, and in eſpeciall regard, and zeale of planting the chriſtian Religion, in, and amongſt the ſayde barbarous and heathen countries, and for the aduancement and preferment of the ſame, and the common vtilitie and profite of the inhabitants therein, as alſo for the incouragement of the ſayde Thomas Smith, William Sanderſon, Walter Baylye, William Gamage, Edmund Neuill, Thomas Harding, Walter Marler, Thomas Martin, Gabriel Harris, William George, William Stone, Henry Fleetewood, John Gerrard, Robert Macklin, Richard Hackluyt, Thomas Hood, Thomas Wade, Richard Wright, Edmund Walden, John White, John Nichols, and the other aſſiſtants now lying in *Virginia*, and others aduenturers aforeſayde, their heires, and aſſignes, doth by theſe preſents, freely and liberally diſpoſe, and give unto them, the ſayd Thomas Smith, William Sanderſon, and the reſt aforeſaid, the ſumme of one hundred pounds of lawful money of England, to be by them aduentured and diſpoſed, in, and amongſt other their aduentures vnto the places, and countries beforementioned, To have, hold, occupie, vſe, employ, poſſeſſe, enjoy, and diſpoſe, as well the ſayde ſumme of 100. pound, given as aforeſayde, as alſo all ſuch gayne, profite, commoditie, aduantage and increaſe, as they by God's aſſiſtance, ſhall thereof make, to their onely vſes and behoofes, and to the vſes and behoofes of the ſeuerall heyres, executors and aſſignes of them and euery of them, without rendering any account for the ſame, or any parcel thereof, to the ſayde Sir Walter Raleigh, his heires, executors or aſſignes, or any of them. And the ſaid Sir Walter Raleigh, for himſelfe, his heyrs, and aſſignes, and euery of them, doeth further couenant and graunt, to, and with the ſayde Thomas Smith, William Sanderſon, Walter Bayly, William Gamage, Edmund Neuill, Thomas Harding, Walter Marler, and the reſt aforeſayde, and to, and with the ſayde John White, Roger Bayly, Ananias Dayre, Chriſtopher Cooper, John Sampſon, Thomas Steevens, Roger Pratt, Dioniſe Haruie, John Nichols, and Humfrie Dymmock, and the heyres and aſſignes of them, and every of them by theſe preſents, to diſcharge, ſaue, and keep harmleſſe, from time to time, and at all times for euer, them and euery of them, their ſeuerall heires, and aſſignes, and every of them, and the deputies, factors and ſeruants of them, and euery of them, and apprentices of them, and euery and any of them, who ſhall ſerue them or any of them the ſpace of ſeuen yeeres, of, and from all rents, ſubſidies, cuſtoms, toles, taxes, tallages, and all other charges, ſeruices, dueties, and demaundes, whatſoeuer required or demaunded, or to be required or demanded at any time or times hereafter, or for the trading, or tranſporting any commoditie or profite, into or from the ſayde countrie of *Aſſamacomock*, alias *Wingandacoia*, alias *Virginia* aforeſayde, or any other countrey in *America* aforeſayde, whereunto, or wherein, the ſayde Sir Walter Raleigh, his heyres, or aſſignes, hath or may or ſhall haue any intereſt, right or title, by virtue of the ſayde letters

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pattents, or by any diſcouerie, or other means whatſoeuer, or for any other matter, cauſe or thing whatſoeuer: the fift part of all the oare of golde, and ſiluer, that from time to time, and at all times after ſuch diſcouerie, ſubduing and poſſeſſing as aforeſaide, ſhall be there gotten, and obtained (alwaies reſerued to the vſe of the ſaid Sir Walter Raleigh, his heyres and aſſignes) onely excepted, and forepriſed. And the ſayd Sir Walter Raleigh doeth further couenant, and graunt by theſe preſents, for him, his heyres and aſſignes, to and with the ſayd Thomas Smith, William Sanderſon, and the reſt aforeſayde, their heires and aſſignes, that he the ſayd Sir Walter Ralegh, his heyres or aſſignes vpon ſufficient and reaſonable requeſt made to him by the perſons aforeſayd, or any of them, their heires or aſſignes, ſhal and will at any time, or times hereafter, ratifie, affirme, and approue by his deede, or deedes, or by any other conueiance, or conueiances in lawe, the corporation heretofore made, by him the ſayd Sir Walter Raleigh, conſiſting of the Gouernor, and twelve aſſiſtants as by his ſayd indenture made to John White and others, more plainely doth appeare, for the more perfect, and better aſſurance, and ſure making of the ſayd corporation, if any imperfection, and want in law thereof bee. And further that hee the ſayde Sir Walter Raleigh, his heyres, and aſſignes, ſhall, and will, as much as in him or them lieth, procure, and indeuor to obtaine, the Queene's maieſties letters pattents, for ratification, approbation, and more ſure confirmation, of the ſayde corporation, and ſocietie, with al prerogatiues, commodities, iuriſdictions, royalties, priuiledges, and preheminences, whatſoeuer graunted and conueied by her maieſtie to the ſaide Sir Walter Raleigh, his heires and aſſignes, or by him the ſaide Sir Walter Raleigh to the ſaid John White, and others, as by his ſaid Indenture of Graunt made to the ſaide John White and others more plainly appeareth. In witneſs whereof, the parties to theſe preſents, haue hereunto interchangeably put their hands, and ſeales, the day and yeare firſt aboue written.

LETTRES PATENTES *pour le* Sieur DE MONTS, *de Lieutenant Général à l'Acadie & pays circonvoiſins, du* 8 *Novembre*, 1603.

[Hiſtoire de la Nouvelle France, par l'Eſcarbot, page 417.]

HENRY, par la grace de Dieu, Roi de France et de Navarre: A notre cher et bien amé le Sieur de Monts, gentilhomme ordinaire de notre Chambre, SALUT. Comme notre plus grand ſoing et travail ſoit et ait toûjours été, depuis notre avénement à cette couronne, de la maintenir et conſerver en ſon ancienne dignité, grandeur et ſplendeur, d'ètendre et amplifier, autant que légitimement ſe peut faire, les bornes et limites d'icelle: Nous étant dès long-temps a informés de la ſituation et condition des pays et territoire de l'Acadie, mûs ſur toutes choſes d'un zéle

ſingulier et d'une dévote et ferme réſolution que nous avons prinſe avec l'aide et aſſiſtance de Dieu, autheur, diſtributeur et protecteur de tous Royaumes et E'tats, de faire convertir, amener et inſtruire les peuples qui habitent en cette contrée, de préſent gens barbares, athées, ſans foi ne religion, au Chriſtianiſme et en la créance et profeſſion de notre foi et religion, et les retirer de l'ignorance et infidélité où ils ſont. Ayans auſſi dès long temps recognu, ſur le rapport des Capitaines de navires, Pilotes, Marchands et autres qui *de longue main ont hanté, fréquenté, et traffiqué avec ce qui ſe trouve de peuples eſdits lieux*, combien peut être fructueuſe, commode et utile à nous, à nos E'tats et ſujets, le demeure, poſſeſſion et habitation d'iceux, pour le grand et apparent profit qui ſe retirera par le grand fréquentation et habitude que l'on aura avec les peuples qui s'y trouvent, et le trafic et commerce qui ſe pourra, par ce moyen, ſûrement traiter et négocier. Nous, pour ces cauſes, à plien confians de votre grand prudence, et en la cognoiſſance et expérience que vous avez de la qualité, condition et ſituation dudit pays de l'Acadie; pour les *diverſes navigations, voyages et fréquentations que vous avez faits en ces terres et autres proches et circonvoiſines*, nous aſſurant que cette notre réſolution et intention vous étant commiſe, vous laſçaurez attentivement, diligemment et non moins courageuſement et valeureuſement exécuter et conduire à la perfection que nous deſirons; vous avons expreſſément commis et établi, et par ces préſentes ſignées de notre main, vous commettons, ordonnons, faiſons, conſtituons et établiſſons notre Lieutenant général, pour repréſenter notre perſonne, au pays, territoire, côtes *et confins* de l'Acadie, à commencer dès le quarantième degré juſqu'au quarante-ſixième; et en icelle étendue ou partie d'icelle, tant et ſi avant que faire ſe pourra, établir, étendre et faire connoître notre nom, puiſſance, et autorité, et au icelle aſſujétir, ſubmettre et faire obéir tous les peuples de ladite terre et *les circonvoiſins;* et par le moyen d'icelles et toutes autres voies licites, les appeler, faire inſtruire, provoquer et émouvoir à la cognoiſſance de Dieu et à la lumière de la foi et religion chrétienne, la y établir, et en l'exercice et profeſſion d'icelle, maintenir, garder et conſerver leſdits peuples, et tous autres habitués eſdits lieux, et en paix, repos et tranquillité, y commander tant par mer que par terre, ordonner, décider, et faire exécuter tout ce que vous jugerez ſe devoir et pouvoir faire pour maintenir, garder et conſerver leſdits lieux ſous notre puiſſance et autorité, par les formes, voies et moyens preſcrits par nos ordonnances : Et pour y avoir égard, avec vous commettre, établir et conſtituer touts Officiers, tant ès affaires de la guerre que de juſtice et police, pour la première fois, et de là en avant, nous les nommer et préſenter, pour en être par nous diſpoſé, et donne les lettres, titres et proviſions tels qu'ils ſeront néceſſaires. Et ſelon les occurrences des affaires, vous-meme, avec l'avis de gens prudens et capables, preſcrire, ſoubs notre bon plaiſir, des loix, ſtatuts et ordonnances, autant qu'il ſe pourra, conformes aux nôtres, notamment ès choſes et matières auxquelles n'eſt pourvû par icelles, traiter et contracter à

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même effet, paix, alliance et conféderation, bonne amitié, correſpondance et communication avec leſdit peuples et leurs Princes, ou autres ayans pouvoir et commandement ſur eux, entretenir, garder et ſoigneuſement obſerver les Traités et alliances dont vous conviendrez avec eux, pourvû qu'ils y ſatisfaſſent de leur part ; & à ce défaut leur faire guerre ouverte pour les contraindre et amener à telle raiſon que vous jugerez néceſſaire, pour l'honneur, obéiſſance et de ſervice de Dieu, et l'établiſſement, manutention et conſervation de notredite authorité parmi eux; du moins pour hanter et fréquenter par vous et tous nos ſujets avec eux, en toute aſſurance, liberté, fréquentation et communication, y négocier et trafiquer amiablement et paiſiblement, leur donner et octroyer graces et privilèges, charges et honneurs. Lequel entier pouvoir ſuſdit, voulons auſſi et ordonnons que vous ayez ſur tous noſdits ſujets et autres qui ſe tranſporteront et voudront s'habituer, trafiquer, négocier et réſider eſdits lieux, tenir, prendre, réſerver et vous approprier ce que vous voudrez et verrez vous être plus commode et propre à votre charge, qualité et uſage : deſdites terres, en départir telles parts et portions, leur donner et attribuer tels titres, honeurs, droits, pouvoir et facultés que vous verrez beſoing être, ſelon les qualités, conditions et mérites des perſonnes du pays ou autres, ſur-tout peupler, cultiver et faire habites leſdites terres, le plus promptement, ſoigneuſement et dextrement, que le temps, les lieux et commodités le pourront permettre, en faire ou faire faire à cette fin la découverte et recognoiſſans en l'éntendue de côtes maritimes *et autres contreés de la Terre ferme*, que vous ordonnerez et preſcrirez en l'eſpace ſuſdit du quarantième degré juſqu'au quarante-ſixième, ou autrement, tant et ſi avant qu'il ſe pourra, le long deſdites côtes et en la Terre ferme, faire ſoigneuſement rechercher et reconnoître toutes ſortes de mines d'or et d'argent, cuivre et autres métaux et mineraux, les faire fouiller, tirer, purger et affiner pour être convertis en uſage, diſpoſer ſuivant que nous avons preſcrit par les édits et règlemens que nous avons faits en ſe Royyaume, du profit et émolument d'icelles, par vous ou ceux que vous aurez établis à cet effet, nous réſervant ſeulement le dixième denier de ce qui proviendra de celles d'or, d'argent et cuivre, vous affectant ce que nous pourrions prendre auxdits autres métaux et minéraux, pour vous aider et ſoulager aux grandes dépenſes que la charge ſuſdite vous pourra apporter. Voulant cependant que pour votre ſûreté et commodité, et de tous ceux de nos ſujets qui s'en iront, habiteront et trafiqueront eſdites terres, comme généralement de tous autres qui s'y accommoderont ſous notre puiſſance et autorité, vous puiſſiez faire bâtir et conſtruire un ou pluſieurs forts, places, villes et toutes autres maiſons, demeures et habitations, ports, havres, retraites et logemens que vous connoîtrez propres, utiles et néceſſaires à l'execution de ladite entrepriſe, établir garniſons et gens de guerre à la garde d'iceux, vois aider et prévaloir aux effets ſuſdits des vagabonds, perſonnes oiſeuſes et ſans aveu, tant ès villes qu'aux champs, et des condamnés à banniſſement perpétuel, ou à trois ans au moins hors

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notre Royaume, pourvû que cé ſoit par avis et conſentement et de l'autorité de nos Officiers. Outre ce que deſſus, et qui vous eſt d'ailleurs preſcrit, mandé et ordonné par les commiſſions et pouvoirs que vous a donnés notre très-cher couſin le Sieur d'Anville, Admiral de France, pour ce qui concerne le fait et la charge de l'Admirauté, en l'exploit, expédition et exécution des choſes ſuſdites; faire généralement pour la conquête, peuplement, habitation et conſervation de ladite terre de l'Acadié, *et des côtes, territoires circonvoiſins*, et de leurs appartenances et dépendances, ſous notre nom et authorité, ce que nous-mêmes ferions et faire pourrions, ſi préſens en perſonne y étions, jaçoit que le cas requît mandement plus ſpécial que nous ne le vous preſcrivons par ceſdites preſentes, au contenu deſquelles, mandons, ordonnons, es très-expreſſément enjoignons à tous nos Juſticiers, Officiers et ſujets de ſe conformer et vous obéir, et entendre en toutes et chacune les choſes ſuſdites, leurs circonſtances et dépendances. Vous donner auſſi, en l'exécution d'icelles toute aide et confort, main-forte et aſſiſtance dont vous aurez beſoin, et ſeront par vous requis, le tout à peine de rebellion et diſobéiſſance; et afin que perſonne ne prétende cauſe d'ignorance de cette notre intention, et ſe veuille immiſcer en tout ou partie de la charge, dignité et autorité que nous vous donnons par ces préſentes; Nous avons, de nos certaine ſcience, pleine puiſſance et autorité royale, révoqué, ſupprimé et déclaré nuls et de nul effet, ci-après et dès-à-préſent, tous autres pouvoirs et commiſſions, lettres et expéditions donnés et délivrés à quelque perſonne que ce ſoit, pour découvrir, peupler et habiter en l'etendue ſuſdite deſdites terres, ſituées depui ledit quarantième degré juſqu'au quarante-ſixième, quelles qu'elles ſoient: Et outre ce, mandons et ordonnons à tous noſdits Officiers, de quelque qualité et condition qu'ils ſoient, que ces préſentes ou *vidimus*, dûement collationnés d'icelles par l'un de nos amés et féaux Conſeillers Notaires et Secrétaires, ou autre Notaire Royal, ils faſſent à votre requête, pourſuite et diligence, ou de nos Procureurs, lire, publier et regiſtrer ès regiſtres des leurs juriſdictionés, pouvoirs et détroits, ceſſant, en tant qu'à eux appartiendra, tous troubles et empêchemens à ce contraires: Car tel eſt notre plaiſir. DONNE à Fontainebleau, le huitième jour de Novembre de l'an de grace mil ſix cens trois, et de notre régne le quinziéme. *Signé* HENRY. *Et plus bas*, Par le Roi, POTIER. Et ſcellé ſur ſimple queue de cire jaulne.

COMMISSIO

COMMISSIO *pro* TOBACCO.

[Rymer's Fœd. tom XVI. page 601. A. D. 1604.]

JAMES, by the Grace of God, &c. to our right Truſtie and right Welbeloved Couſen and Counſellor, *Thomas Earle of Dorſet* our High Treaſourer of Englande, Greetinge. Whereas *Tobacco*, being a Drugge of late yeres found out, and by Merchants, as well Denizens as Strangers, brought from forreign Partes in ſmall quantitie into this Realm of England and other our Dominions, was uſed and taken by the better ſort both then and nowe onelie as Phiſicke to preſerve Healthe, and is nowe at this day, through evel Cuſtome and the Tolleration thereof, exceſſivelie taken by a Nomber of ryotous and diſordered Perſons of meane and baſe condition, whoe, contrarie to the uſe which perſons of good Callinge and Qualitye make thereof, doe ſpend moſt of there tyme in that idle Uanitie, to the evill example and corrupting of others, and alſo do conſume that Wages whiche manye of them gett by theire Labour, and wherewith there Families ſhould be releived, not caring at what Price they buye that Drugge, but rather deviſinge how to add to it other Mixture, therebye to make it the more delightful to their taſte, though ſo much the more coſtly to there purſe, by which great and immoderate takinge of *Tobacco* the Health of a great Nomber of our People is impayred, and theire Bodies weakened and made unfit for Labor, the Eſtates of many mean Perſons ſoe decayed and conſumed as they are thereby dryven to unthriftie ſhifts onelie to maynteyne their gluttonous Exerciſe thereof, beſides that alſo a great Part of the Treaſure of our Land is ſpent and exhauſted by this onely Drugge ſo licenciouſly abuſed by the meaner Sorte, all which enormous inconveniencies enſuinge thereuppon We doe well perceave to proceed principally from the great quantitie of *Tobacco* daily brought into this our Realm of England and Domynions of Wales from the Parts beyond the Seas by Merchauntes and others, whiche Exceſſe We conceave might in great Part be reſtrayned by ſome good Impoſition to be laid upon it, whereby it is likelie that a leſſe quantitie of *Tobacco* will hereafter be broughte into this our Realm of England, Dominion of Wales and Town of Berwick then in former tymes, and yet ſufficient Store to ſerve for their neceſſarie uſe who are of the better Sort, and have and will uſe the ſame with Moderation to preſerve their Healthe; We do therefore will and command you our Treaſurer of Englande, and herebye alſo warrant and auᵭthoriſe you to geve order to all Cuſtomers Comptrollers Searchers Surveyors, and all other Officers of our Portes, that, from and after the ſixe and twentieth Day of Octᵒber next comynge they ſhall demaunde and take to our uſe of all merchauntes, as well Engliſhe as Strangers, and of all others whoe ſhall bringe in anye *Tobacco* into this Realme, within anye

Porte Haven or Creeke belonging to any theire ſeverall Charges, the Somme of *Six Shillings and eighte Pence* uppon everye Pound Waight thereof, over and above the Cuſtome of *Two Pence* uppon the Pound Waighte uſuallye paide heretofore; And for the better Execution hereof, bothe in the Reformation of the ſaide Abuſes, and for the avoydinge of all Fraude and Deceipte concerninge the Paymente of the ſaide Impoſition and Cuſtome, Our Will and Pleaſure is that you ſhall in our Name ſtraightlye charge and Commaunde all Collectors, Cuſtomers Comptrollers, Surveyors, and other Officers whatſoever to whome the ſame maye belonge, that they ſuffer noe Entries to be made of anye *Tobacco* at anye Tyme hereafter to be broughte into anye Porte Haven or Creeke within this our Realme of Englande, the Dominion of Wales, and Towne of Barwicke, or anye Parte of the ſame, by any Engliſhe or Stranger, or anye other Perſone whatſoever before the ſaide Cuſtome and Impoſition before ſpecified be firſte ſatisfied and paide, or Compoſition made for the ſame with oure ſaide Cuſtomers, Collectors or other Officers to whome the ſame appertaynneth, uppon Payne that if anye Merchaunte Engliſhe or Straunger, or other whatſoever, ſhall preſume to bringe in anye of the ſaide *Tobacco*, before ſuch payemente and ſatisfactione firſte made, That then he ſhall not onelie forfeit the ſaide *Tobacco* but alſoe ſhall undergoe ſuch furthere Penalties and corporall Puniſhmente as the qualitie of ſuche ſoe highe a Contempte againſt our Royall and expreſſe Commaundmente in this mannere puliſhed ſhall deſerve.

Wytnes our ſelf at *Weſtmynſter* the ſeaventeenth Day of October.

PER IPSUM REGEM.

The FIRST CHARTER *of* VIRGINIA.

[Stith's Hiſt. of Virginia. App. p. 1. April 10, 1606.]

JAMES, by the Grace of God, King of *England*, *Scotland*, *France* and *Ireland*, Defender of the Faith, *&c.* WHEREAS our loving and well-diſpoſed Subjects, Sir *Thomas Gates*, and Sir *George Somers*, Knights, *Richard Hackluit*, Clerk, Prebendary of *Weſtminſter*, and *Edward-Maria Wingfield*, *Thomas Hanham*, and *Ralegh Gilbert*, Eſqrs. *William Parker*, and *George Popham*, Gentlemen, and divers others of our loving Subjects, have been humble Suitors unto us, that We would vouchſafe unto them our Licence, to make Habitation, Plantation, and to deduce a colony of ſundry of our People into that part of *America* commonly called VIRGINIA, and other parts and Territories in *America*, either appertaining unto us, or which are not now actually poſſeſſed by any *Chriſtian* Prince or People, ſituate

tuate, lying, and being all along the Sea Coaſts, between four and thirty Degrees of *Northerly* Latitude from the Equinoctial Line, and five and forty Degrees of the ſame Latitude, and in the main Land between the ſame four and thirty and five and forty Degrees, and the Iſlands thereunto adjacent, or within one hundred Miles of the Coaſt thereof;

And to that End, and for the more ſpeedy Accompliſhment of their ſaid intended Plantation and Habitation there, are deſirous to divide themſelves into two ſeveral Colonies and Companies; the one conſiſting of certain Knights, Gentlemen, Merchants, and other Adventurers, of our City of *London* and elſewhere, which are, and from time to time ſhall be, joined unto them, which do deſire to begin their Plantation and Habitation in ſome fit and convenient Place, between four and thirty and one and forty Degrees of the ſaid Latitude, alongſt the Coaſts of *Virginia*, and the Coaſts of *America* aforeſaid: And the other conſiſting of ſundry Knights, Gentlemen, Merchants, and other Adventurers, of our Cities of *Briſtol* and *Exeter*, and of our Town of *Plimouth*, and of other Places, which do join themſelves unto that Colony, which do deſire to begin their Plantation and Habitation in ſome fit and convenient Place, between eight and thirty Degrees and five and forty Degrees of the ſaid Latitude, all alongſt the ſaid Coaſts of *Virginia* and *America*, as that Coaſt lyeth:

We, greatly commending, and graciouſly accepting of, their Deſires for the Furtherance of ſo noble a Work, which may, by the Providence of Almighty God, hereafter tend to the Glory of his Divine Majeſty, in propagating of *Chriſtian* Religion to ſuch People, as yet live in Darkneſs and miſerable Ignorance of the true Knowledge and Worſhip of God, and may in time bring the Infidels and Savages, living in thoſe parts, to human Civility, and to a ſettled and quiet Government: DO, by theſe our Letters Patents, graciouſly accept of, and agree to, their humble and well-intended Deſires;

And do therefore, for Us, our Heirs, and Succeſſors, GRANT and agree, that the ſaid Sir *Thomas Gates*, Sir *George Somers*, *Richard Hackluit*, and *Edward-Maria Wingfield*, Adventurers of and for our City of *London*, and all ſuch others, as are, or ſhall be, joined unto them of that Colony, ſhall be called the *firſt Colony*; And they ſhall and may begin their ſaid firſt Plantation and Habitation, at any Place upon the ſaid Coaſt of *Virginia* or *America*, where they ſhall think fit and convenient, between the ſaid four and thirty and one and forty Degrees of the ſaid Latitude; And that they ſhall have all the Lands, Woods, Soil, Grounds, Havens, Ports, Rivers, Mines, Minerals, Marſhes, Waters, Fiſhings, Commodities, and Hereditaments, whatſoever, from the ſaid firſt Seat of their Plantation and Habitation by the Space of fifty Miles of *Engliſh* Statute Meaſure, all along the ſaid Coaſt of *Virginia* and *America*, towards the *Weſt* and *Southweſt*, as the Coaſt lyeth, with all the Iſlands within one hundred Miles directly over againſt the ſame Sea Coaſt; And alſo all the Lands,

Soil, Grounds, Havens, Ports, Rivers, Mines, Minerals, Woods, Waters, Marſhes, Fiſhings, Commodities, and Hereditaments, whatſoever, from the ſaid Place of their firſt Plantation and Habitation for the Space of fifty like *Engliſh* Miles, all alongſt the ſaid Coaſts of *Virginia* and *America*, towards the *Eaſt* and *Northeaſt*, or towards the *North*, as the Coaſt lyeth, together with all the Iſlands within one hundred Miles, directly over againſt the ſaid Sea Coaſt; And alſo all the Lands, Woods, Soil, Grounds, Havens, Ports, Rivers, Mines, Minerals, Marſhes, Waters, Fiſhings, Commodities, and Hereditaments, whatſoever, from the ſame fifty Miles every way on the Sea Coaſt, directly into the main Land by the Space of one hundred like *Engliſh* Miles; And ſhall and may inhabit and remain there; and ſhall and may alſo build and fortify within any the ſame, for their better Safeguard and Defence, according to their beſt Diſcretion, and the Diſcretion of the Council of that Colony; And that no other of our Subjects ſhall be permitted, or ſuffered, to plant or inhabit behind, or on the Backſide of them, towards the main Land, without the Expreſs Licenſe or Conſent of the Council of that Colony, thereunto in Writing firſt had and obtained.

And we do likewiſe, for Us, our Heirs, and Succeſſors, by theſe Preſents, GRANT and agree, that the ſaid *Thomas Hanham*, and *Raleigh Gilbert*, *William Parker*, and *George Popham*, and all others of the Town of *Plimouth* in the County of *Devon*, or elſewhere, which are, or ſhall be, joined unto them of that Colony, ſhall be called the *ſecond Colony*; And that they ſhall and may begin their ſaid Plantation and Seat of their firſt Abode and Habitation, at any Place upon the ſaid Coaſt of *Virginia* and *America*, where they ſhall think fit and convenient, between eight and thirty Degrees of the ſaid Latitude, and five and forty Degrees of the ſame Latitude; And that they ſhall have all the Lands, Soils, Grounds, Havens, Ports, Rivers, Mines, Minerals, Woods, Marſhes, Waters, Fiſhings, Commodities, and Hereditaments, whatſoever, from the firſt Seat of their Plantation and Habitation by the Space of fifty like *Engliſh* Miles, as is aforeſaid, all alongſt the ſaid Coaſts of *Virginia* and *America*, towards the *Weſt* and *Southweſt*, or towards the *South*, as the Coaſt lyeth, and all the Iſlands within one hundred Miles, directly over againſt the ſaid Sea Coaſt; And alſo all the Lands, Soils, Grounds, Havens, Ports, Rivers, Mines, Minerals, Woods, Marſhes, Waters, Fiſhings, Commodities, and Hereditaments, whatſoever, from the ſaid Place of their firſt Plantation and Habitation for the Space of fifty like Miles, all alongſt the ſaid Coaſt of *Virginia* and *America*, towards the *Eaſt* and *Northeaſt*, or towards the *North*, as the Coaſt lyeth, and all the Iſlands alſo within one hundred Miles directly over againſt the ſame Sea Coaſt; And alſo all the Lands, Soils, Grounds, Havens, Ports, Rivers, Woods, Mines, Minerals, Marſhes, Waters, Fiſhings, Commodities, and Hereditaments, whatſoever, from the ſame fifty Miles every way on the Sea Coaſt, directly into the main Land, by the Space of one hundred like *Engliſh* Miles; And ſhall and may inhabit and remain there;

there; and ſhall and may alſo build and fortify within any the ſame for their better Safeguard, according to their beſt Diſcretion, and the Diſcretion of the Council of that Colony; And that none of our Subjects ſhall be permitted, or ſuffered, to plant or inhabit behind, or on the back of them, towards the main Land, without expreſs Licence of the Council of that Colony, in Writing thereunto firſt had and obtained.

Provided always, and our Will and Pleaſure herein is, that the Plantation and Habitation of ſuch of the ſaid Colonies, as ſhall laſt plant themſelves, as aforeſaid, ſhall not be made within one hundred like *Engliſh* Miles of the other of them, that firſt began to make their Plantation, as aforeſaid.

And we do alſo ordain, eſtabliſh, and agree, for Us, our Heirs, and Succeſſors, that each of the ſaid Colonies ſhall have a Council, which ſhall govern and order all Matters and Cauſes, which ſhall ariſe, grow, or happen, to or within the ſame ſeveral Colonies, according to ſuch Laws, Ordinances, and Inſtructions, as ſhall be, in that behalf, given and ſigned with Our Hand or Sign Manual, and paſs under the Privy Seal of our Realm of *England*; Each of which Councils ſhall conſiſt of thirteen Perſons, to be ordained, made, and removed, from time to time, according as ſhall be directed and compriſed in the ſame Inſtructions; And ſhall have a ſeveral Seal, for all Matters that ſhall paſs or concern the ſame ſeveral Councils; Each of which Seals, ſhall have the King's Arms engraven on the one Side thereof, and his Portraiture on the other; And that the Seal for the Council of the ſaid firſt Colony ſhall have engraven round about, on the one Side, theſe Words; *Sigillum Regis Magnæ Britanniæ, Franciæ, & Hiberniæ;* on the other Side this Inſcription round about; *Pro Concilio primæ Coloniæ Virginiæ.* And the Seal for the Council of the ſaid ſecond Colony ſhall alſo have engraven, round about the one Side thereof, the aforeſaid Words; *Sigillum Regis Magnæ Britanniæ, Franciæ, & Hiberniæ;* and on the other Side; *Pro Concilio ſecundæ Coloniæ Virginiæ:*

And that alſo there ſhall be a Council eſtabliſhed here in *England*, which ſhall, in like Manner, conſiſt of thirteen Perſons, to be, for that Purpoſe, appointed by Us, our Heirs and Succeſſors, which ſhall be called our *Council of Virginia;* And ſhall, from time to time, have the ſuperior Managing and Direction, only of and for all Matters that ſhall or may concern the Government, as well of the ſaid ſeveral Colonies, as of and for any other Part or Place, within the aforeſaid Precincts of four and thirty and five and forty Degrees, abovementioned; Which Council ſhall, in like manner, have a Seal, for Matters concerning the Council or Colonies, with the like Arms and Portraiture, as aforeſaid, with this Inſcription, engraven round about on the one Side; *Sigillum Regis Magnæ Britanniæ, Franciæ, & Hiberniæ;* and round about on the other Side, *Pro Concilio ſuo Virginiæ.*

And moreover, we do GRANT and agree, for Us, our Heirs and Succeſſors, that

that the ſaid ſeveral Councils of and for the ſaid ſeveral Colonies, ſhall and lawfully may, by Virtue hereof, from time to time, without any Interruption of Us, our Heirs or Succeſſors, give and take Order, to dig, mine, and ſearch for all Manner of Mines of Gold, Silver, and Copper, as well within any Part of their ſaid ſeveral Colonies, as of the ſaid main Lands on the Backſide of the ſame Colonies; And to HAVE and enjoy the Gold, Silver, and Copper, to be gotten thereof, to the Uſe and Behoof of the ſame Colonies, and the Plantations thereof; YIELDING therefore to Us, our Heirs and Succeſſors, the fifth Part only of all the ſame Gold and Silver, and the fifteeenth Part of all the ſame Copper, ſo to be gotten or had, as is aforeſaid, without any other Manner of Profit or Account, to be given or yielded to Us, our Heirs, or Succeſſors, for or in Reſpect of the ſame:

And that they ſhall, or lawfully may, eſtabliſh and cauſe to be made a Coin, to paſs current there between the people of thoſe ſeveral Colonies, for the more Eaſe of Traffick and Bargaining between and amongſt them and the Natives there, of ſuch Metal, and in ſuch Manner and Form, as the ſaid ſeveral Councils there ſhall limit and appoint.

And we do likewiſe, for Us, our Heirs, and Succeſſors, by theſe Preſents, give full Power and Authority to the ſaid Sir *Thomas Gates*, Sir *George Somers*, *Richard Hackluit*, *Edward-Maria Wingfield*, *Thomas Hanham*, *Ralegh Gilbert*, *William Parker*, and *George Popham* and to every of them, and to the ſaid ſeveral Companies, Plantations, and Colonies, that they, and every of them, ſhall and may, at all and every time and times hereafter, have, take, and lead in the ſaid Voyage, and for and towards the ſaid ſeveral Plantations, and Colonies, and to travel thitherward, and to abide and inhabit there, in every the ſaid Colonies and Plantations, ſuch and ſo many of our Subjects, as ſhall willingly accompany them or any of them, in the ſaid Voyages and Plantations; With ſufficient Shipping, and Furniture of Armour, Weapons, Ordinance, Powder, Victual, and all other things, neceſſary for the ſaid Plantations, and for their Uſe and Defence there: PROVIDED always, that none of the ſaid Perſons be ſuch, as ſhall hereafter be ſpecially reſtrained by Us, our Heirs, or Succeſſors.

Moreover, we do, by theſe Preſents, for Us, our Heirs, and Succeſſors, GIVE AND GRANT Licence unto the ſaid Sir *Thomas Gates*, Sir *George Somers*, *Richard Hackluit*, *Edward-Maria Wingfield*, *Thomas Hanham*, *Ralegh Gilbert*, *William Parker*, and *George Popham*, and to every of the ſaid Colonies, that they, and every of them, ſhall and may, from time to time, and at all times forever hereafter, for their ſeveral Defences, encounter, expulſe, repel, and reſiſt, as well by Sea as by Land, by all Ways and Means whatſoever, all and every ſuch Perſon and Perſons, as without the eſpecial Licence of the ſaid ſeveral Colonies and Plantations, ſhall attempt to inhabit within the ſaid ſeveral Precincts and Limits of the ſaid ſeveral Colonies and Plantations, or any of them, or that ſhall enterpriſe or attempt, at any time hereafter, the Hurt, Detriment, or Annoyance, of the ſaid ſeveral Colonies or Plantations:

Giving

Giving and granting, by theſe Preſents, unto the ſaid Sir *Thomas Gates*, Sir *George Somers*, *Richard Hackluit*, *Edward-Maria Wingfield*, and their Aſſociates of the ſaid firſt Colony, and unto the ſaid *Thomas Hanham*, *Ralegh Gilbert*, *William Parker*, and *George Popham*, and their Aſſociates of the ſaid ſecond Colony, and to every of them, from time to time, and at all times for ever hereafter, Power and Authority to take and ſurpriſe, by all Ways and Means whatſoever, all and every Perſon and Perſons, with their Ships, Veſſels, Goods, and other Furniture, which ſhall be found trafficking, into any Harbour or Harbours, Creek or Creeks, or Place, within the Limits or Precincts of the ſaid ſeveral Colonies and Plantations, not being of the ſame Colony, until ſuch time, as they, being of any Realms or Dominions under our Obedience, ſhall pay, or agree to pay, to the Hands of the Treaſurer of that Colony, within whoſe Limits and Precincts they ſhall ſo traffick, two and a half upon every Hundred, of any thing, ſo by them trafficked, bought, or ſold; And being Strangers, and not Subjects under our Obeyſance, until they ſhall pay five upon every Hundred, of ſuch Wares and Merchandiſes, as they ſhall traffick, buy, or ſell, within the Precincts of the ſaid ſeveral Colonies, wherein they ſhall ſo traffick, buy, or ſell, as aforeſaid; WHICH Sums of Money, or Benefit, as aforeſaid, for and during the Space of one and twenty Years, next enſuing the Date hereof, ſhall be wholly emploied to the Uſe, Benefit, and Behoof of the ſaid ſeveral Plantations, where ſuch Traffick ſhall be made; And after the ſaid one and twenty Years ended, the ſame ſhall be taken to the Uſe of Us, our Heires, and Succeſſors, by ſuch Officers and Miniſters, as by Us, our Heirs, and Succeſſors, ſhall be thereunto aſſigned or appointed.

And we do further, by theſe Preſents, for Us, our Heirs and Succeſſors, GIVE AND GRANT unto the ſaid Sir *Thomas Gates*, Sir *George Somers*, *Richard Hackluit*, and *Edward-Maria Wingfield*, and to their Aſſociates of the ſaid firſt Colony and Plantation, and to the ſaid *Thomas Hanham*, *Ralegh Gilbert*, *William Parker*, and *George Popham*, and their Aſſociates of the ſaid ſecond Colony and Plantation, that they, and every of them, by their Deputies, Miniſters, and Factors, may tranſport the Goods, Chattels, Armour, Munition, and Furniture, needful to be uſed by them, for their ſaid Apparel, Food, Defence, or otherwiſe in Reſpect of the ſaid Plantations, out of our Realms of *England* and *Ireland*, and all other our Dominions, from time to time, for and during the Time of ſeven Years, next enſuing the Date hereof, for the better Relief of the ſaid ſeveral Colonies and Plantations, without any Cuſtoms, Subſidy, or other Duty, unto Us, our Heirs, or Succeſſors, to be yielded or payed for the ſame.

Alſo we do, for Us, our Heirs, and Succeſſors, DECLARE, by theſe Preſents, that all and every the Perſons being our Subjects, which ſhall dwell and inhabit within every or any of the ſaid ſeveral Colonies and Plantations, and every of their Children,

dren, which ſhall happen to be born within any of the Limits and Precincts of the ſaid ſeveral Colonies and Plantations, ſhall HAVE and enjoy all Liberties, Franchiſes, and Immunities, within any of our other Dominions, to all Intents and Purpoſes, as if they had been abiding and born, within this our Realm of *England*, or any other of our ſaid Dominions.

Moreover, our gracious Will and Pleaſure is, and we do, by theſe Preſents, for Us, our Heirs, and Succeſſors, declare and ſet forth, that if any Perſon or Perſons, which ſhall be of any of the ſaid Colonies and Plantations, or any other, which ſhall traffick to the ſaid Colonies and Plantations, or any of them, ſhall, at any time or times hereafter, tranſport any Wares, Merchandiſes, or Commodities, out of any of our Dominions, with a Pretence to land, ſell, or otherwiſe diſpoſe of the ſame, within any the Limits and Precincts of any of the ſaid Colonies and Plantations, and yet nevertheleſs, being at Sea, or after he hath landed the ſame within any of the ſaid Colonies and Plantations, ſhall carry the ſame into any other foreign Country, with a Purpoſe there to ſell or diſpoſe of the ſame, without the Licence of Us, our Heirs, and Succeſſors, in that Behalf firſt had and obtained; That then, all the Goods and Chattles of ſuch Perſon or Perſons, ſo offending and tranſporting, together with the ſaid Ship or Veſſel, wherein ſuch Tranſportation was made, ſhall be forfeited to Us, our Heirs, and Succeſſors.

Provided always, and our Will and Pleaſure is, and we do hereby declare to all Chriſtian Kings, Princes, and States, that if any Perſon or Perſons which ſhall hereafter be of any of the ſaid ſeveral Colonies and Plantations, or any other, by his, their, or any of their Licence and Appointment, ſhall, at any Time or Times hereafter, rob or ſpoil, by Sea or Land, or do any Act of unjuſt and unlawful Hoſtility to any the Subjects of Us, our Heirs, or Succeſſors, or any the Subjects of any King, Prince, Ruler, Governor, or State, being then in League or Amitie with Us, our Heirs, or Succeſſors, and that upon ſuch Injury, or upon juſt Complaint of ſuch Prince, Ruler, Governor, or State, or their Subjects, We, our Heirs, or Succeſſors, ſhall make open Proclamation, within any of the Ports of our Realm of *England*, commodious for that purpoſe, That the ſaid Perſon or Perſons, having committed any ſuch robbery, or Spoil, ſhall, within the term to be limitted by ſuch Proclamations, make full Reſtitution or Satisfaction of all ſuch Injuries done, ſo as the ſaid Princes, or others ſo complaining, may hold themſelves fully ſatisfied and contented; And, that if the ſaid Perſon or Perſons, having committed ſuch Robery or Spoil, ſhall not make, or cauſe to be made Satisfaction accordingly, within ſuch Time ſo to be limited, That then it ſhall be lawful to Us, our Heirs, and Succeſſors, to put the ſaid Perſon or Perſons, having committed ſuch Robbery or Spoil, and their Procurers, Abettors, and Comforters, out of our Allegiance and Protection; And that it ſhall be lawful and free, for all Princes, and others to purſue

with

with hoſtility the ſaid offenders, and every of them, and their and every of their Procurers, Aiders, abettors, and comforters, in that behalf.

And finally, we do for Us, our Heirs, and Succeſſors, GRANT and agree, to and with the ſaid Sir *Thomas Gates*, Sir *George Somers*, *Richard Hackluit*, *Edward-Maria Wingfield*, and all others of the ſaid firſt colony, that We, our Heirs and Succeſſors, upon Petition in that Behalf to be made, ſhall, by Letters Patent under the Great Seal of *England*, GIVE and GRANT, unto ſuch Perſons, their Heirs and Aſſigns, as the Council of that Colony, or the moſt part of them, ſhall, for that Purpoſe, nominate and aſſign all the Lands, Tenements, and Hereditaments, which ſhall be within the Precincts limited for that Colony, as is aforeſaid, TO BE HOLDEN of Us, our heirs and Succeſſors, as of our Manor of *Eaſt-Greenwich*, in the County of *Kent*, in free and common Soccage only, and not in Capite:

And do in like Manner, Grant and Agree, for Us, our Heirs and Succeſſors, to and with the ſaid *Thomas Hanham*, *Ralegh Gilbert*, *William Parker*, and *George Popham*, and all others of the ſaid ſecond Colony, That We, our Heirs, and Succeſſors, upon Petition in that Behalf to be made, ſhall, by Letters-Patent, under the Great Seal of *England*, GIVE and GRANT, unto ſuch Perſons, their Heirs and Aſſigns, as the Council of that Colony, or the moſt Part of them, ſhall for that Purpoſe nominate and aſſign, all the Lands, Tenements, and Hereditaments, which ſhall be within the Precincts limited for that Colony, as is aforeſaid, TO BE HOLDEN of Us, our Heires, and Succeſſors, as of our Manor of *Eaſt-Greenwich*, in the County of *Kent*, in free and common Soccage only, and not in Capite.

All which Lands, Tenements, and Hereditaments, ſo to be paſſed by the ſaid ſeveral Letters-patent, ſhall be ſufficient Aſſurance from the ſaid Patentees, ſo diſtributed and divided amongſt the Undertakers for the Plantation of the ſaid ſeveral Colonies, and ſuch as ſhall make their Plantations in either of the ſaid ſeveral Colonies, in ſuch Manner and Form, and for ſuch Eſtates, as ſhall be ordered and ſet down by the Council of the ſaid Colony, or the moſt part of them, reſpectively, within which the ſame Lands, Tenements, and Hereditaments ſhall lye or be; Although expreſs Mention of the true yearly Value or Certainty of the Premiſſes, or any of them, or of any other Gifts or Grants, by Us or any of our Progenitors or Predeceſſors, to the aforeſaid Sir *Thomas Gates*, Knt. Sir *George Somers*, Knt. *Richard Hackluit*, *Edward-Maria Wingfield*, *Thomas Hanham*, *Ralegh Gilbert*, *William Parker*, and *George Popham*, or any of them, heretofore made, in theſe Preſents, is not made; Or any Statute, Act, Ordinance, or Proviſion, Proclamation, or Reſtraint, to the contrary hereof had, made, ordained, or any other Thing, Cauſe, or Matter whatſoever, in any wiſe notwithſtanding. IN WITNESS whereof, we have cauſed theſe our Letters to be made Patents; Witneſs Ourſelf at *Weſtminſter*, the tenth Day of *April*,

in the fourth Year of our Reign of *England*, *France*, and *Ireland*, and of *Scotland* the nine and thirtieth.

Lukin

Per breve de privato Sigillo.

The SECOND CHARTER *of* VIRGINIA.

[Stith's Hiſt. of Virginia. App. p. 7. May 23, 1609.]

JAMES, by the Grace of God, King of *England*, *Scotland*, *France*, and *Ireland*, Defender of the Faith, *&c.* To all, to whom theſe Preſents ſhall come, Greeting. WHEREAS, at the humble Suit and Requeſt of ſundry our loving and well diſpoſed Subjects, intending to deduce a Colony, and to make Habitation and Plantation of ſundry our People, in that Part of *America*, commonly called VIRGINIA, and other Parts and Territories in *America*, either appertaining unto Us, or which are not actually poſſeſſed of any *Chriſtian* Prince or People, within certain Bounds and Regions, We have formerly, by our Letters-patents, bearing Date the tenth Day of *April*, in the fourth Year of our Reign of *England*, *France*, and *Ireland*, and of *Scotland* the nine and thirtieth, GRANTED to Sir *Thomas Gates*, Sir *George Somers*, and others, for the more ſpeedy Accompliſhment of the ſaid Plantation and Habitation, that they ſhould divide themſelves into two Colonies (the one conſiſting of divers Knights, Gentlemen, Merchants, and others, of our City of *London*, called the FIRST COLONY; And the other conſiſting of divers Knights, Gentlemen, and others, of our Cities of *Briſtol*, *Exeter*, and Town of *Plimouth*, and other Places, called the SECOND COLONY.) And have yielded and granted many and ſundry Privileges and Liberties to each Colony, for their quiet Settling and good Government therein, as by the ſaid Letters-patents more at large appeareth.

Now, foraſmuch as divers and ſundry of our loving Subjects, as well Adventurers, as Planters, of the ſaid firſt Colony, which have already engaged themſelves in furthering the Buſineſs of the ſaid Colony and Plantation, and do further intend, by the Aſſiſtance of Almighty God, to proſecute the ſame to a happy End, have of late been humble Suitors unto Us, that (in Reſpect of their great Charges and the Adventure of many of their Lives, which they have hazarded in the ſaid Diſcovery and Plantation of the ſaid Country) We would be pleaſed to grant them a further Enlargement and Explanation of the ſaid Grant, Privileges, and Liberties, and that

ſuch

ſuch Counſellors, and other Officers, may be appointed amongſt them, to manage and direct their Affairs, as are willing and ready to adventure with them, as alſo whoſe Dwellings are not ſo far remote from the City of *London*, but they may, at convenient Times, be ready at Hand, to give their Advice and Aſſiſtance, upon all Occaſions requiſite.

We greatly affecting the effectual Proſecution and happy Succeſs of the ſaid Plantation, and commending their good deſires therein, for their further Encouragement in accompliſhing ſo excellent a Work, much pleaſing to God, and profitable to our Kingdom, do of our eſpecial Grace, and certain Knowledge, and mere Motion, for Us, our Heirs, and Succeſſors, GIVE, GRANT, and CONFIRM, to our truſty and well beloved Subjects, Robert, Earl of Saliſbury, Thomas, Earl of Suffolk, Henry, Earl of Southampton, William, Earl of Pembroke, Henry, Earl of Lincoln, Earl of Dorſet, Thomas, Earl of Exeter, Philip, Earl of Montgomery, Robert, Lord Viſcount Liſle, Theophilus, Lord Howard of Walden, James Montague, Lord Biſhop of Bath and Wells, Edward, Lord Zouche, Thomas, Lord Lawarr, William, Lord Mounteagle, Ralph, Lord Ewre, Edmond, Lord Sheffield, Grey, Lord Chandois, Lord Compton, John, Lord Petre, John, Lord Stanhope, George, Lord Carew, Sir Humphry Weld, Lord Mayor of London, George Piercy, Eſq. Sir Edward Cecil, Knt. Sir George Wharton, Knt. Francis Weſt, Eſq. Sir William Wade, Knt. Sir Henry Nevil, Knt. Sir Thomas Smith, Knt. Sir Oliver Cromwell, Knt. Sir Peter Manwood, Knt. Sir Drue Drury, Knt. Sir Peter Scott, Knt. Sir Thomas Challoner, Knt. Sir Robert Drury, Knt. Sir Anthony Cope, Knt. Sir Horatio Vere, Knt. Sir Edward Conway, Knt. Sir William Brown, Knt. Sir Maurice Berkeley, Knt. Sir Robert Maunſel, Knt. Sir Amias Preſton, Knt. Sir Thomas Gates, Knt. Sir Anthony Aſhley, Knt. Sir Michael Sandys, Knt. Sir Henry Carey, Knt. Sir Stephen Soame, Knt. Sir Calliſthenes Brooke, Knt. Sir Edward Michelborn, Knt. Sir John Ratcliffe, Knt. Sir Charles Wilmot, Knt. Sir George Moore, Knt. Sir Hugh Wiral, Knt. Sir Tomas Dennis, Knt. Sir John Holles, Knt. Sir William Godolphin, Knt. Sir Thomas Monſon, Knt. Sir Thomas Ridgwine, Knt. Sir John Brooke, Knt. Sir Robert Killigrew, Knt. Sir Henry Peyton, Knt. Sir Richard Williamſon, Knt. Sir Ferdinando Weynman, Knt. Sir William St. John, Knt. Sir Thomas Holcroft, Knt. Sir John Mallory, Knt. Sir Roger Aſhton, Knt. Sir Walter Cope, Knt. Sir Richard Wigmore, Knt. Sir William Cocke, Knt. Sir Herbert Crofte, Knt. Sir Henry Fanſhaw, Knt. Sir John Smith, Knt. Sir Francis Wolley, Knt. Sir Edward Waterhouſe, Knt. Sir Henry Seckford, Knt. Sir Edwin Sandys, Knt. Sir Thomas Waynam, Knt. Sir John Trevor, Knt. Sir Warwick Heele, Knt. Sir Robert Wroth, Knt. Sir John Townſhend, Knt. Sir Chriſtopher Perkins, Knt. Sir Daniel Dun, Knt. Sir Henry Hobert, Knt. Sir Francis Bacon, Knt. Sir Henry Montague, Knt. Sir Sir George Coppin, Knt. Sir Samuel Sandys, Knt. Sir Thomas Roe, Knt. Sir

George Somers, Knt. Sir Thomas Freake, Knt. Sir Thomas Harwell, Knt. Sir Charles Kelke, Knt. Sir Baptiſt Hicks, Knt. Sir John Watts, Knt. Sir Robert Carey, Knt. Sir William Romney, Knt. Sir Thomas Middleton, Knt. Sir Hatton Cheeke, Knt. Sir John Ogle, Knt. Sir Cavallero Meycot, Knt. Sir Stephen Riddleſon, Knt. Sir Thomas Bludder, Knt. Sir Anthony Aucher, Knt. Sir Robert Johnſon, Knt. Sir Thomas Panton, Knt. Sir Charles Morgan, Knt. Sir Stephen Pole, Knt. Sir John Burlacie, Knt. Sir Chriſtopher Cleave, Knt. Sir George Hayward, Knt. Sir Thomas Davis, Knt. Sir Thomas Sutton, Knt. Sir Anthony Forreſt, Knt. Sir Robert Payne, Knt. Sir John Digby, Knt. Sir Dudley Digges, Knt. Sir Fowland Cotton, Knt. Dr. Matthew Sutcliffe, Dr. Meadows, Dr. Turner, Dr. Poe, Captain Pagnam, Captain Jeffrey Holcrofte, Captain Romney, Captain Henry Spry, Captain Shelton, Captain Sparks, Captain Thomas Wyat, Captain Brinſley, Captain William Courtney, Captain Herbert, Captain Clarke, Captain Dewhurſt, Captain John Blundell, Captain Fryer, Captain Lewis Orwell, Captain Edward Lloyd, Captain Slingſby, Captain Hawley, Captain Orme, Captain Woodhouſe, Captain Maſon, Captain Thomas Holcroft, Captain John Coke, Captain Holles, Captain William Proud, Captain Henry Woodhouſe, Captain Richard Lindeſey, Captain Dexter, Captain William Winter, Captain Pearſe, Captain John Bingham, Captain Burray, Captain Thomas Conway, Captain Rockwood, Captain William Lovelace, Captain John Aſhley, Captain Thomas Wynne, Captain Thomas Mewtis, Captain Edward Harwood, Captain Michael Everard, Captain Comock, Captain Mills, Captain Pigot, Captain Edward-Maria Wingfield, Captain Chriſtopher Newport, Captain John Sicklemore, alias Ratcliffe, Captain John Smith, Captain John Martin, Captain Peter Wynne, Captain Waldo, Captain Thomas Wood, Captain Thomas Button, George Bolls, Eſq. Sheriff of *London*, William Craſhaw, Clerk, Batchelor of Divinity, William Seabright, Eſq. Chriſtopher Brooke, Eſq. John Bingley, Eſq. Thomas Watſon, Eſq. Richard Percival, Eſq. John Moore, Eſq. Hugh Broker, Eſq. David Woodhouſe, Eſq. Anthony Aucher, Eſq. Robert Boyer, Eſq. Ralph Ewens, Eſq. Zachary Jones, Eſq. George Calvert, Eſq. William Dobſon, Eſq. Henry Reynolds, Eſq. Thomas Walker, Eſq. Anthony Barnars, Eſq. Thomas Sandys, Eſq. Henry Sandys, Eſq. Richard Sandys, Eſq. Son of Sir Edwin Sandys, William Oxenbridge, Eſq. John Moore, Eſq. Thomas Wilſon, Eſq. John Bullock, Eſq. John Waller, Eſq. Thomas Webb, Jehu Robinſon, William Brewſter, Robert Evelyn, Henry Danby, Richard Hackluit, Miniſter, John Eldrid, Merchant, William Ruſſel, Merchant, John Merrick, Merchant, Richard Baniſter, Merchant, Charles Anthony, Goldſmith, John Banks, William Evans, Richard Humble, Richard Chamberlayne, Merchant, Thomas Barber, Merchant, Richard Pomet Merchant, John Fletcher, Merchant, Thomas Nicholls, Merchant, John Stoke, Merchant, Gabriel Archer,

Francis

Francis Covel, William Bonham, Edward Harriſon, John Wolſtenholme, Nicholas Salter, Hugh Evans, William Barnes, Otho Mawdet, Richard Staper, Merchant, John Elkin, Merchant, William Coyſe, Thomas Perkin, Cooper, Humphrey James, Cooper, Henry Jackſon, Robert Singleton, Chriſtopher Nicholls, John Harper, Abraham Chamberlayne, Thomas Shipton, Thomas Carpenter, Anthony Crew, George Holman, Robert Hill, Cleophas Smith, Ralph Harriſon, John Farmer, James Brearly, William Croſby, Richard Cox, John Gearing, Richard Strongarm, Ironmongers, Thomas Langton, Griffith Hinton, Richard Ironſide, Richard Dean, Richard Turner, William Lawſon, Mercer, James Chatfield, Edward Allen Tedder, Robert Hildebrand Sprinſon, Arthur Mouſe, John Gardiner, James Ruſſel, Richard Caſwell, Richard Evans, John Hawkins, Richard Kerril, Richard Brooke, Matthew Screvener, Gentleman, William Stallenge Gentleman, Arthur Venn, Gentleman, Sandys Webbe, Gentleman, Michael Phetiplace, Gentleman, William Phetiplace, Gentleman, Ambroſe Pruſey, Gentleman, John Taverner, Gentleman, George Pretty, Gentleman, Peter Latham, Gentleman, Thomas Montford, Gentleman, William Centrel, Gentleman, Richard Wiffin, Gentleman, Ralph Moreton, Gentleman, John Cornelius, Martin Freeman, Ralph Freeman, Andrew Moore, Thomas White, Edward Perkin, Robert Offley, Thomas Whitley, George Pit, Robert Parkhurſt, Thomas Morris, Peter Harloe, Jeffry Duppa, John Gilbert, William Hancock, Matthew Brown, Francis Tyrrel, Randolph Carter, Othowell Smith, Thomas Hammond, Martin Bond, Haberdaſher, John Moulſoe, Robert Johnſon, William Young, John Woodal, William Felgate, Humfrey Weſtwood, Richard Champion, Henry Robinſon, Francis Mapes, William Sambach, Ralegh Craſhaw, Daniel Tucker, Thomas Grave, Hugh Willeſton, Thomas Culpepper, of *Wigſel*, Eſq. John Culpepper, Gentleman, Henry Lee, Joſias Kerton, Gentleman, John Pory, Gentleman, Henry Collins, George Burton, William Atkinſon, Thomas Foreſt, John Ruſſel, John Holt, Harman Harriſon, Gabriel Beedel, John Beedel, Henry Dawkes, George Scot, Edward Fleetwood, Gentleman, Richard Rogers, Gentleman, Arthur Robinſon, Robert Robinſon, John Huntley, John Gray, William Payne, William Field, William Wattey, William Webſter, John Dingley, Thomas Draper, Richard Glanvil, Arnold Hulls, Henry Roe, William More, Nicholas Gryce, James Monger, Nicholas Andrews, Jeremy Haydon, Ironmonger, Philip Durette, John Quarles, John Weſt, Matthew Springham, John Johnſon, Chriſtopher Hore, Thomas Snead, George Berkeley, Arthur Pet, Thomas Careles, William Berkley, Thomas Johnſon, Alexander Bents, Captain William King, George Sandys, Gentleman, James White, Gentleman, Edmond Wynne, Charles Towlar, Richard Reynold, Edward Webb, Richard Mapleſden, Thomas Lever, David Bourne, Thomas Wood, Ralph Hamer, Edward Barnes, Mercer, John Wright, Mercer, Robert Middleton, Edward Littlefield, Katharine Weſt, Th omas Web,

Ralph

Ralph King, Robert Coppin, James Aſkew, Chriſtopher Holt, William Bardwell, Alexander Chiles, Lewis Tate, Edward Ditchfield, James Swifte, Richard Widdowes, goldſmith, Edmond Brudenell, Edward Burwell, John Hansford, Edward Wooller, William Palmer, haberdaſher, John Badger, John Hodgſon, Peter Mounſel, John Carril, John Buſhride, William Dun, Thomas Johnſon, Nicholas Benſon, Thomas Shipton, Nathaniel Wade, Randal Wetwood, Matthew Dequeſter, Charles Hawkins, Hugh Hammerſley, Abraham Cartwright, George Bennet, William Cater, Richard Goddart, Henry Cromwell, Phineas Pet, Robert Cooper, John Cooper, Henry Newce, Edward Wilkes, Robert Bateman, Nicholas Farrar, John Hewhouſe, John Caſon, Thomas Harris, Gentleman, George Etheridge, Gentleman, Thomas Mayle, Gentleman, Richard Stafford, Thomas , Richard Cooper, John Weſtrow, Edward Welch, Thomas Britain, Thomas Knowles, Octavian Thorne, Edmond Smith, John March, Edward Carew, Thomas Pleydall, Richard Let, Miles Palmer, Henry Price, John Joſhua, Gentleman, William Clauday, Jeremy Pearſye, John Bree, Gentleman, William Hampſon, Chriſtopher Pickford, Thomas Hunt, Thomas Truſton, Chriſtopher Salmon, John Howard, clerk, Richard Partridge, Allen Caſſen, Felix Wilſon, Thomas Bathurſt, George Wilmer, Andrew Wilmer, Maurice Lewellin, Thomas Godwin, Peter Burgoyne, Thomas Burgoyne, Robert Burgoyne, Robert Smith, Merchant Taylor, Edward Cage, grocer, Thomas Cannon, Gentleman, William Welby, ſtationer, Clement Wilmer, Gentleman, John Clapham, Gentleman, Giles Francis, Gentleman, George Walker, ſadler, John Swinhow, ſtationer, Edward Biſhop, ſtationer, Leonard White, Gentleman, Chriſtopher Baron, Peter Benſon, Richard Smith, George Proctor, miniſter, Millicent Ramſdent, widow, Joſeph Soane, Thomas Hinſhaw, John Baker, Robert Thornton, John Davis, Edward Facet, George Newce, Gentleman, John Robinſon, Captain Thomas Wood, William Brown, ſhoemaker, Robert Barker, ſhoemaker, Robert Pennington, Francis Burley, miniſter, William Quick, grocer, Edward Lewis, grocer, Laurence Campe, draper, Aden Perkins, grocer, Richard Shepherd, preacher, William Sherley, haberdaſher, William Taylor, haberdaſher, Edwin Lukin, Gentleman, John Franklyn, haberdaſher, John Southwick, Peter Peate, George Johan, ironmonger, George Yeardley, Gentleman, Henry Shelly, John Prat, Thomas Church, draper, William Powel, Gentleman, Richard Frith, Gentleman, Thomas Wheeler, draper, Francis Haſlerig, Gentleman, Hugh Shipley, Gentleman, John Andrews, the Elder Doctor of *Cambridge*, Francis Whiſtler, Gentleman, John Vaſſal, Gentleman, Richard Howle, Edward Berkeley, Gentleman, Richard Keneridgburg, Gentleman, Nicholas Exton, draper, William Bennet, fiſhmonger, James Haywood, Merchant, Nicholas Iſaac, Merchant, William Gibbs, Merchant,
Biſhop, Bernard Mitchel, Iſaac Mitchel, John Streate, Edward Gall, John Martin, Gentleman, Thomas Fox, Luke Lodge, John Woodliffe, Gentleman, Richard Webb,

Webb, Vincent Low, Samuel Burnham, Edmund Pears, haberdaſher, John Googe, John St. John, Edward Vaughan, William Dunn, Thomas Alcocke, John Andrews, the younger, of *Cambridge*, Samuel Smith, Thomas Gerrard, Thomas Whittingham, William Canning, Paul Canning, George Chandler, Henry Vincent, Thomas Ketley, James Skelton, James Mountaine, George Webb, gentleman, Joſeph Newbridge, ſmith, Joſiah Mand, Captain Ralph Hamer, the younger, Edward Brewſter, the ſon of William Brewſter, Leonard Harwood, mercer, Philip Druerdent, William Carpenter, Triſtian Hill, Robert Cock, grocer, Laurence Grecie, grocer, Samuel Winch, grocer, Humphry Stile, grocer, Avern Dransfield, grocer, Edward Hodges, grocer, Edward Beale, grocer, Thomas Culler, grocer, Ralph Buſby, grocer, John Whittingham, grocer, John Hide, grocer, Matthew Shepherd, grocer, Thomas Allen, grocer, Richard Hooker, grocer, Lawrence Munks, grocer, John Tanner, grocer, Peter Gate, grocer, John Blunt, grocer, Robert Phipps, grocer, Robert Berriſford, grocer, Thomas Wells, grocer, John Ellis, grocer, Henry Colthurſt, grocer, John Cavady, grocer, Thomas Jennings, grocer, Edmond Paſchall, grocer, Timothy Bathurſt, grocer, Giles Parſlow, grocer, Robert Milmay, grocer, Richard Johnſon, grocer, William Johnſon, vintner, Ezekiel Smith, Richard Martin, William Sharpe, Robert Rich, William Stannard, innholder, John Stocken, William Strachey, gentleman, George Farmer, gentleman, Thomas Gypes, cloth-worker, Abraham Davies, gentleman, Thomas Brocket, gentleman, George Bache, fiſhmonger, John Dike, fiſhmonger, Henry Spranger, Richard Farrington, Chriſtopher Vertue, vintner, Thomas Bayley, vintner, George Robins, vintner, Tobias Hinſon, grocer, Vrian Spencer, Clement Chickeley, John Scarpe, gentleman, James Campbell, ironmonger, Chriſtian Clitheroe, ironmonger, Philip Jacobſon, Peter Jacobſon, of Antwerp, William Berkeley, Miles Banks, cutler, Peter Higgons, grocer, Henry John, gentleman, John Stokley, merchant taylor, the Company of Mercers, the Company of Grocers, the Company of Drapers, the Company of Fiſhmongers, the Company of Goldſmiths, the Company of Skinners, the Company of Merchant-Taylors, the Company of Haberdaſhers, the Company of Salters, the Company of Ironmongers, the Company of Vintners, the Company of Clothworkers, the Company of Dyers, the Company of Brewers, the Company of Leatherſellers, the Company of Pewterers, the Company of Cutlers, the Company of Whitebakers, the Company of Wax-Chandlers, the Company of Tallow-Chandlers, the Company of Armourers, the Company of Girdlers, the Company of Butchers, the Company of Sadlers, the Company of Carpenters, the Company of Cordwaynes, the Company of Barber-Chirurgeons, the Company of Paintſtainers, the Company of Curriers, the Company of Maſons, the Company of Plumbers, the Company of Innholders, the Company of Founders, the Company of Poulterers, the Company of Cooks, the Company of Coopers, the Company of Tylers and Bricklayers, the Company of Boyers, the

Company

Company of Fletchers, the Company of Blackſmiths, the Company of Joiners, the Company of Weavers, the Company of Woolmen, the Company of Woodmongers, the Company of Scriveners, the Company of Fruiterers, the Company of Plaſterers, the Company of Brownbakers, the Company of Stationers, the Company of Imbroiderers, the Company of Upholſterers, the Company of Muſicians, the Company of Turners, the Company of Gardners, the Company of Baſketmakers, the Company of Glaziers, John Levet, merchant, Thomas Nornicot, clothworker, Richard Venn, haberdaſher, Thomas Scott, gentleman, Thomas Juxon, merchant-taylor, George Hankinſon, Thomas Seyer, gentlemen, Matthew Cooper, George Buttler, gentleman, Thomas Lawſon, gentleman, Edward Smith, haberdaſher, Stephen Sparrow, John Jones, merchant, Reynolds, Brewer, Thomas Plummer, merchant, Jame Duppa, brewer, Rowland Coitmore, William Southerne, George Whitmore, haberdaſher, Anthony Goſnold, the younger, John Allen, fiſhmonger, Simon Yeomans, fiſhmonger, Lancelot Davis, gentleman, John Hopkins, alderman of *Briſtol*, John Kettleby, gentleman, Richard Clene, goldſmith, George Hooker, gentleman, Robert Chening, yeoman, and to ſuch and ſo many as they do, or ſhall hereafter admit to be joined with them, in the form hereafter in theſe preſents expreſſed, whether they go in their Perſons to be Planters there in the ſaid Plantation, or whether they go not, but adventure their monies, goods, or Chattles, that they ſhall be one Body or Commonalty perpetual, and ſhall have perpetual Succeſſion and one common Seal to ſerve for the ſaid Body or Commonalty, and that they and their Succeſſors ſhall be known, called, and incorporated by the Name of *The Treaſurer and Company of Adventurers and Planters of the City of London, for the firſt Colony in Virginia.* And that they and their Succeſſors ſhall be from henceforth forever enabled to take, acquire, and purchaſe by the Name aforeſaid (Licence for the ſame from Us, our Heirs, and Succeſſors, firſt had and obtained) any Manner of Lands, Tenements, and Hereditaments, Goods and Chattles, within our Realm of England, and Dominion of Wales. And that they, and their Succeſſors, ſhall likewiſe be enabled by the Name aforeſaid, to plead and be impleaded, before any of our Judges, or Juſtices in any of our Courts, and in any Actions or Suits whatſoever. And we do alſo of our ſpecial Grace, certain Knowledge, and mere Motion, give, grant and confirm, unto the ſaid Treaſurer and Company, and their Succeſſors, under the Reſervations, Limitations, and Declarations hereafter expreſſed, all thoſe Lands, Countries, and Territories, ſituate, lying, and being in that Part of *America*, called *Virginia*, from the Point of Land, called Cape or *Point Comfort*, all along the Sea Coaſt to the Northward, two hundred miles, and from the ſaid Point of *Cape Comfort*, all along the Sea Coaſt to the Southward, two hundred Miles, and all that Space and Circuit of Land, lying from the Sea Coaſt of the Precinct aforeſaid, up into the Land throughout from Sea to Sea, Weſt and Northweſt;

Northweſt; And alſo all the Iſlands lying within one hundred Miles along the Coaſt of both Seas of the Precinct aforeſaid; Together with all the Soils, Grounds, Havens, and Ports, Mines, as well Royal Mines of Gold and Silver, as other Minerals, Pearls, and precious Stones, Quarries, Woods, Rivers, Waters, Fiſhings, Commodities, Juriſdictions, Royalties, Privileges, Franchiſes, and Preheminences within the ſaid Territories, and the Precincts thereof, whatſoever, and thereto, and thereabouts both by Sea and Land, being, or in any ſort belonging or appertaining, and which We, by our Letters Patents, may or can grant, in as ample Manner and Sort, as We, or any our noble Progenitors, have heretofore granted to any Company, Body Politic or Corporate, or to any Adventurer or Adventurers, Undertaker or Undertakers of any Diſcoveries, Plantations, or Traffic, of, in, or into any foreign Parts whatſoever, and in as large and ample Manner, as if the ſame were here in particularly mentioned and expreſſed; To HAVE AND TO HOLD, poſſeſs and enjoy, all and ſingular the ſaid Lands, Countries and Territories, with all and ſingular other the Premiſes heretofore by theſe Preſents granted, or mentioned to be granted to them, the ſaid Treaſurer and Company, their Succeſſors and Aſſigns forever; To the ſole and proper Uſe of them, the ſaid Treaſurer and Company, their Succeſſors and Aſſigns forever; To BE HOLDEN of Us, our Heirs and Succeſſors, as of our Manor of *Eaſt-Greenwich*, in free and common Soccage, and not in Capite; YIELDING and PAYING therefore, to Us, our Heirs and Succeſſors, the fifth Part only of all Ore of Gold and Silver, that from Time to Time, and at all Times hereafter, ſhall be there gotten, had, or obtained, for all Manner of Services. AND nevertheleſs, our Will and Pleaſure is, and we do by theſe Preſents, charge and command, warrant and authoriſe, that the ſaid Treaſurer, and Company, or their Succeſſors, or the major Part of them which ſhall be preſent and aſſembled for that Purpoſe, ſhall from Time to Time, under their common Seal, DISTRIBUTE, convey, aſſign, and ſet over ſuch particular Portions of Lands, Tenements, and Hereditaments, by theſe Preſents formerly granted unto ſuch our loving Subjects, naturally born, or Denizens, or others, as well Adventurers as Planters, as by the ſaid Company (upon a Commiſſion of Survey and Diſtribution, executed and returned for that Purpoſe) ſhall be nominated, appointed, and allowed; Wherein our Will and Pleaſure is, that Reſpect be had as well of the Proportion of the Adventurer, as to the ſpecial Service, Hazard, Exploit, or Merit of any Perſon ſo to be recompenced, advanced, or rewarded. AND foraſmuch as the good and proſperous Succeſs of the ſaid Plantation, cannot but chiefly depend next under the Bleſſing of God, and the Support of our Royal Authority, upon the provident and good Direction of the whole Enterpriſe, by a careful and underſtanding Council, and that it is not convenient, that all the Adventurers ſhall be ſo often drawn to meet and aſſemble, as ſhall be requiſite for them to have Meetings and Conference about the Affairs thereof; Therefore we DO ORDAIN, eſtabliſh and confirm, that there ſhall be perpetu-

ally one COUNCIL here reſident, according to the Tenour of our former Letters-Patents; Which Council ſhall have a Seal for the better Government and Adminiſtration of the ſaid Plantation, beſides the legal Seal of the Company or Corporation, as in our former Letters-Patents is alſo expreſſed. AND further, We ESTABLISH and ORDAIN, That Henry Earl of Southampton, William Earl of Pembroke, Henry Earl of Lincoln, Thomas, Earl of Exeter, Robert, Lord Viſcount Liſle, Lord Theophilus Howard, James, Lord Biſhop of Bath and Wells, Lord Edward Zouche, Thomas Lord Lawarr, William, Lord Mounteagle, Edmund, Lord Sheffield, Gray, Lord Chandois, John, Lord Stanhope, George, Lord Carew, Sir Humfrey Weld, Lord Mayor of London, Sir Edward Cecil, Sir William Wade, Sir Henry Nevil, Sir Thomas Smith, Sir Oliver Cromwell, Sir Peter Manwood, Sir Thomas Challoner, Sir Henry Hobert, Sir Francis Bacon, Sir George Coppin, Sir John Scot, Sir Henry Carey, Sir Robert Drury, Sir Horatio Vere, Sir Edward Conway, Sir Maurice Berkeley, Sir Thomas Gates, Sir Michael Sandys, Sir Robert Manſell, Sir John Trevor, Sir Amias Preſton, Sir William Godolphin, Sir Walter Cope, Sir Robert Killigrew, Sir Henry Fanſhaw, Sir Edwin Sandys, Sir John Watts, Sir Henry Montague, Sir William Romney, Sir Thomas Roe, Sir Baptiſt Hicks, Sir Richard Williamſon, Sir Stephen Poole, Sir Dudley Digges, Chriſtopher Brooke, Eſq. John Eldred, and John Wolſtenholme ſhall be our Council for the ſaid Company of Adventurers and Planters, in Virginia: AND the ſaid Thomas Smith, We DO ORDAIN to be Treaſurer of the ſaid Company; which Treaſurer ſhall have Authority to give Order for the Warning of the Council, and ſummoning the Company to their Courts and Meetings. AND the ſaid Council and Treaſurer, or any of them ſhall be from henceforth nominated, choſen, continued, diſplaced, changed, altered and ſupplied, as Death, or other ſeveral Occaſions ſhall require, out of the Company of the ſaid Adventurers, by the Voice of the greater part of the ſaid Company and Adventurers, in their Aſſembly for that Purpoſe: PROVIDED always, That every Counſellor ſo newly elected, ſhall be preſented to the Lord Chancellor of *England*, or to the Lord High Treaſurer of *England*, or to the Lord Chamberlain of the Houſehold of Us, our Heirs and Succeſſors for the Time being, to take his Oath of a Counſellor to Us, our Heirs and Succeſſors, for the ſaid Company of Adventurers and Colony in *Virginia*. AND we do by theſe Preſents, of our ſpecial Grace, certain Knowledge, and mere Motion, for Us, our Heirs and Succeſſors, GRANT unto the ſaid Treaſurer and Company, and their Succeſſors, that if it happen at any Time or Times, the Treaſurer for the Time being to be ſick, or to have any ſuch Cauſe of Abſence from the City of *London*, as ſhall be allowed by the ſaid Council, or the greater part of them aſſembled, ſo as he cannot attend the affairs of that Company, in every ſuch Caſe, it ſhall and may be lawful for ſuch Treaſurer for the Time being, to aſſign, conſtitute, and appoint one of the Council, or Company, to be likewiſe allowed by the Council,

or

or the greater Part of them aſſembled, to be the Deputy Treaſurer of the ſaid Company; Which Deputy ſhall have Power to do and execute all Things which belong to the ſaid Treaſurer, during ſuch Time as ſuch Treaſurer ſhall be either ſick, or otherwiſe abſent, upon Cauſe allowed of by the ſaid Council, or the major Part of them, as aforeſaid, ſo fully and wholly, and in as large and ample Manner and Form, to all Intents and Purpoſes, as the ſaid Treaſurer if he were preſent himſelf, might or could do and execute the ſame.

And further, of our ſpecial Grace, certain Knowledge, and mere Motion, for Us, our Heirs and Succeſſors, we do, by theſe Preſents, Give and Grant full Power and Authority to our ſaid Council here reſident, as well at this preſent time, as hereafter from time to time, to nominate, make, conſtitute, ordain and confirm, by ſuch Name or Names, Stile or Stiles, as to them ſhall ſeem good, And likewiſe to revoke, diſcharge, change, and alter, as well all and ſingular Governors, Officers, and Miniſters, which already have been made, as alſo which hereafter ſhall be by them thought fit and needful to be made or uſed for the Government of the ſaid Colony and Plantation: And alſo to make, ordain, and eſtabliſh all Manner of Orders, Laws, Directions, Inſtructions, Forms and Ceremonies of Government and Magiſtracy, fit and neceſſary for and concerning the Government of the ſaid Colony and Plantation; And the ſame, at all Times hereafter, to abrogate, revoke, or change, not only within the Precincts of the ſaid Colony, but alſo upon the Seas, in going and coming to and from the ſaid Colony, as they in their good Diſcretion, ſhall think to be fitteſt for the Good of the Adventurers and inhabitants there. And we do alſo declare, that for divers Reaſons and Conſiderations, Us thereunto eſpecially moving, our Will and Pleaſure is, and We do hereby ordain, that immediately from and after ſuch Time as any ſuch Governor or principal Officer, ſo to be nominated and appointed by our ſaid Council, for the Government of the ſaid Colony as aforeſaid, ſhall arrive in *Virginia*, and give Notice unto the Colony there reſident, of our pleaſure in this Behalf, the Government Power and Authority of the Preſident and Council heretofore by our former Letters-patents there eſtabliſhed, and all Laws and Conſtitutions by them formerly made ſhall utterly ceaſe and be determined; And all Officers, Governors, and Miniſters formerly conſtituted and appointed, ſhall be diſcharged, any thing in our former Letters-patents concerning the ſaid Plantation contained in any wiſe to the contrary notwithſtanding; Straightly charging and commanding the Preſident and Council now reſident in the ſaid Colony upon their Allegiance, after Knowledge given unto them of our Will and Pleaſure by theſe preſents ſignified and declared that they forthwith be obedient to ſuch Governor or Governors as by our ſaid Council here reſident ſhall be named and appointed as aforeſaid, and to all Directions, Orders and Commandments which they ſhall receive from them, as well in the preſent reſigning and giving up of their Authority, Offices, Charge and Places, as in all

other Attendance as ſhall be by them from time to time required. AND we do further by theſe preſents ORDAIN and eſtabliſh, that the ſaid Treaſurer and Council here reſident, and their ſucceſſors or any four of them being aſſembled (the Treaſurer being one) ſhall from time to time have full Power and Authority to admit and receive any other Perſon into their Company, Corporation, and Freedom; And further in a General Aſſembly of Adventurers, with the conſent of the greater part upon good Cauſe, to disfranchiſe and put out any Perſon or Perſons out of the ſaid Freedom or Company. AND we do alſo GRANT and confirm for Us, our Heirs and Succeſſors, that it ſhall be lawful for the ſaid Treaſurer and Company and their Succeſſors by direction of the Governors there, to dig and to ſearch for all manner of Mines of Gold, ſilver, Copper, Iron, Lead, Tin, and all ſorts of Minerals, as well within the precinct aforeſaid, as within any part of the main land not formerly granted to any other; And TO HAVE and ENJOY the Gold, Silver, Copper, Iron, Lead, and Tin, and all other Minerals to be gotten thereby, to the uſe and behoof of the ſaid company of Planters and Adventurers; YEILDING thereof, and paying Yearly unto Us, our Heirs, and Succeſſors as aforeſaid. AND we do further of our ſpecial Grace, certain Knowledge, and mere Motion for Us, our Heires, and Succeſſors, GRANT by theſe preſents, to and with the ſaid Treaſurer and Company, and their Succeſſors, that it ſhall be lawful and free for them and their Aſſigns, at all and every time and times hereafter, out of our Realm of *England*, and out of all other our Dominions, to take and lead into the ſaid Voyages, and for and towards the ſaid Plantation, and to travel thitherwards and to abide and inhabit there in the ſaid Colony and Plantation, all ſuch and ſo many of our loving Subjects, or any other Strangers, that will become our loving Subjects, and live under our Obedience, as ſhall willingly accompany them in the ſaid Voyage and Plantation; With ſufficient Shipping, Armour, Weapons, Ordinance, Munition, Powder, Shot, Victuals, and ſuch Merchandiſes or Wares as are eſteemed by the wild People in thoſe Parts, Cloathing, Implements, Furniture, Cattle, Horſes, and Mares, and all other things neceſſary for the ſaid Plantation, and for their Uſe, and Defence, and Trade with the People there; and paſſing and returning to and fro; Without yeilding or paying Subſidy, Cuſtom, Impoſition, or any other Tax or Duty, to Us, our Heirs, or Succeſſors, for the ſpace of ſeven Years from the Date of theſe Preſents: PROVIDED that none of the ſaid Perſons be ſuch as ſhall be hereafter by ſpecial name reſtrained by Us, our Heirs, and Succeſſors. AND for their further Encouragement, of our ſpecial Grace and Favour, we do by theſe Preſents, for Us, our Heires, and Succeſſors, YEILD and GRANT to and with the ſaid Treaſurer and Company, and their Succeſſors, and every of them, their Factors and Aſſigns, that they and every of them ſhall be free of all Subſidies and Cuſtoms in *Virginia*, for the ſpace of one and twenty Years, and from all Taxes and Impoſitions for ever upon any Goods or Merchandizes at any Time or Times hereafter, either

either upon Importation thither, or Exportation from thence into our Realm of *England*, or into any other of our Realms or Dominions, by the ſaid Treaſurer and Company, and their Succeſſors, and their Deputies, Factors, or Aſſigns, or any of them: EXCEPT only the five Pounds *per Cent.* due for Cuſtom upon all ſuch Goods and Merchandizes as ſhall be brought or Imported into our Realm of *England*, or any other of theſe our Dominions according to the antient Trade of Merchants; WHICH FIVE POUNDS *per Cent* ONLY being paid, it ſhall be thenceforth lawful and free for the ſaid Adventurers, the ſame Goods and Merchandizes to export and carry out of our ſaid Dominions into foreign Parts without any Cuſtom, Tax, or other Duty to be paid to Us, our Heires, or Succeſſors, or to any other our Officers or Deputies: PROVIDED, that the ſaid Goods and Merchandizes be ſhipped out, within thirteen Months after their firſt landing within any Part of thoſe Dominions. AND we do alſo GRANT and confirm to the ſaid Treaſurer and Company, and their Succeſſors, as alſo to all and every ſuch Governor, or other Officers, and Miniſters, as by our ſaid Council ſhall be appointed to have Power and Authority of Government and Command in and over the ſaid Colony and Plantation; That they, and every of them, ſhall and lawfully may from Time to Time and at all Times for ever hereafter, for their ſeveral Defence and Safety, encounter, expulſe, repel, and reſiſt by Force and Arms, as well by Sea as by Land, and all Ways and Means whatſoever, all and every ſuch Perſon and Perſons whatſoever as (without the ſpecial Licence of the ſaid Treaſurer and Company and their Succeſſors) ſhall attempt to inhabit within the ſaid ſeveral Precincts and Limits of the ſaid Colony and Plantation; And alſo all and every ſuch Perſon and Perſons whatſoever, as ſhall enterprize or attempt at any Time hereafter, Deſtruction, Invaſion, Hurt, Detriment, or Annoyance, to the ſaid Colony and Plantation, as is likewiſe ſpecified in the ſaid former Grant: AND that it ſhall be lawful for the ſaid Treaſurer and Company, and their Succeſſors, and every of them from Time to Time, and at all Times for ever hereafter, and they ſhall have full Power and Authority to take and ſurprize by all Ways and Means whatſoever, all and every Perſon and Perſons whatſoever, with their Ships, Goods, and other Furniture, trafficking in any Harbour, Creek, or Place, within the Limits or Precincts of the ſaid Colony and Plantation * not being allowed by the ſaid Company to be Adventurers or Planters of the ſaid Colony until ſuch Time as they being of any Realms and Dominions under our Obedience, ſhall pay, or agree to pay, to the Hands of the Treaſurer, or of ſome other Officer deputed by the ſaid Governor of *Virginia* (over and above ſuch Subſidy or Cuſtom as the ſaid Company is or hereafter ſhall be to pay) five

* "It is *and being* in the Original; but the Senſe carried me ſo clearly to it, that I ventured to make this Correction, letting the Reader at the ſame Time know it." STITH.

five Pounds *per Cent.* upon all Goods and Merchandiſes ſo brought in thither, and alſo five *per Cent.* upon all Goods by them ſhipped out from thence; And being Strangers and not under our Obedience until they have paid (over and above ſuch Subſidy and Cuſtom, as the ſaid Treaſurer and Company, or their Succeſſors, is, or hereafter ſhall be to pay) ten Pounds *per Cent.* upon all ſuch Goods likewiſe carried in and out, any Thing in the ſaid former Letters-patents to the contrary notwithſtanding; And the ſame SUMS of MONEY and Benefit, aforeſaid, for and during the ſpace of one and twenty Years, ſhall be wholly employed to the Benefit, Uſe, and Behoof of the ſaid Colony and Plantation; And after the ſaid one and twenty Years ended, the ſame ſhall be taken to the uſe of Us, our Heirs and Succeſſors, by ſuch Officers and Miniſters, as by Us, our Heirs or Succeſſors ſhall be thereunto aſſigned and appointed, as is ſpecified in the ſaid former Letters-patents. ALSO we do for Us, our Heirs and Succeſſors, DECLARE by theſe Preſents, that all and every the Perſons being our Subjects, which ſhall go and inhabit within the ſaid Colony and Plantation, and every their Children and Poſterity, which ſhall happen to be born within any of the Limits thereof, ſhall HAVE and ENJOY all Liberties, Franchizes, and Immunities of Free Denizens and natural Subjects within any of our other Dominions to all Intents and Purpoſes, as if they had been abiding and born within this our Realm of *England*, or in any other of our Dominions. AND foraſmuch as it ſhall be neceſſary for all ſuch our loving Subject as ſhall inhabit within the ſaid Precincts of *Virginia* aforeſaid, to determine to live together in the Fear and true Worſhip of Almighty God, Chriſtian Peace and Civil Quietneſs each with other, whereby every one may with more Safety, Pleaſure and Profit enjoy that whereunto they ſhall attain with great Pain and Peril; WE for Us, our Heires, and Succeſſors are likewiſe pleaſed and contented, and by theſe Preſents do GIVE and GRANT unto the ſaid Treaſurer and Company, and their Succeſſors, and to ſuch Governors, Officers, and Miniſters, as ſhall be by our ſaid Council conſtituted and appointed according to the Natures and Limits of their Offices and Places reſpectively, that they ſhall and may from Time to Time, for ever hereafter, within the ſaid Precincts of *Virginia*, or in the way by † Sea thither and from thence, have full and abſolute Power and Authority to correct, puniſh, pardon, govern, and rule all ſuch the Subjects of Us, our Heires, and Succeſſors as ſhall from Time to Time adventure themſelves in any Voyage thither, or that ſhall at any Time hereafter, inhabit in the Precincts and Territories of the ſaid Colony as aforeſaid, according to ſuch Orders, Ordinances, Conſtitutions, Directions, and Inſtructions, as by our ſaid Council as aforeſaid, ſhall be eſtabliſhed; And in Defect thereof in caſe of Neceſſity, according to the good ‖ Diſcretion of the ſaid Governor and Officers reſpectively,

† M. S. *Seas.* ‖ M. S. *Directions.*

pectively, as well in Caſes capital and criminal, as civil, both Marine and other; So always as the ſaid Statutes, Ordinances, and Proceedings as near as coveniently may be, be agreeable to the Laws, Statutes, Government, and Policy of this our Realm of *England*. AND we do further of our ſpecial Grace, certain Knowledge, and mere Motion, GRANT, DECLARE, and ORDAIN, that ſuch principal Governor, as from Time to Time ſhall duly and lawfully be authorized and appointed in Manner and Form in theſe Preſents heretofore expreſſed, ſhall have full Power and Authority, to uſe and exerciſe Martial Law in Caſes of Rebellion or Mutiny, in as large and ample Manner as our Lieutenants in our ‡ Counties within this our Realm of *England* have, or ought to have, by Force of their Commiſſions of Lieutenancy. AND furthermore, if any Perſon or Perſons, Adventurers or Planters of the ſaid Colony, or any other at any Time or Times hereafter, ſhall tranſport any Monies, Goods, or Merchandiſes, out of any of our Kingdoms with a Pretence or Purpoſe to land, ſell, or otherwiſe diſpoſe of the ſame within the Limits or Bounds of the ſaid Colony, and yet nevertheleſs being at Sea, or after he hath landed within any part of the ſaid Colony, ſhall carry the ſame into any other foreign Country with a Purpoſe there to ſell and diſpoſe thereof; That then all the Goods and Chattels of the ſaid Perſon or Perſons ſo offending, and tranſported, together with the Ship or Veſſel wherein ſuch Tranſportation was made, ſhall be forfeited to Us, our Heirs, and Succeſſors. AND further, our Will and Pleaſure is, that in all Queſtions and Doubts that ſhall ariſe upon any Difficulty of Conſtruction or Interpretation of any Thing contained either in this, or in our ſaid former Letters-patents, the ſame ſhall be taken and interpreted in moſt ample and beneficial Manner for the ſaid Treaſurer and Company, and their Succeſſors, and every Member thereof. AND further, we do, by theſe Preſents RATIFY and CONFIRM unto the ſaid Treaſurer and Company, and their Succeſſors, all the Privileges, Franchiſes, Liberties, and Immunities granted in our ſaid former Letters-patents, and not in theſe our Letters-patents, revoked, altered, changed, or abridged. AND finally our Will and Pleaſure is, and we do further hereby for Us, our Heirs, and Succeſſors, GRANT and AGREE, to and with the ſaid Treaſurer and Company, and their Succeſſors, that all and ſingular Perſon and Perſons, which ſhall at any Time or Times hereafter adventure any Sum or Sums of Money, in and towards the ſaid Plantation of the ſaid Colony in *Virginia*, and ſhall be admitted by the ſaid Council and Company, as Adventurers of the ſaid Colony in Form aforeſaid, and ſhall be enrolled in the Book or Records of the Adventurers of the ſaid Company, ſhall and may be accounted, accepted, taken, held, and reputed Adventurers of the ſaid Colony, and ſhall, and may enjoy all and ſingular Grants, Privileges, Liberties,

‡ M. S. *Countrys.*

ties, Benefits, Profits, Commodities and Immunities, Advantages and Emoluments whatſoever, as fully, largely, amply, and abſolutely, as if they and every of them, had been preciſely, plainly, ſingularly, and diſtinctly named and inſerted in theſe our Letters-patents. AND laſtly, becauſe the principal Effect which we can deſire or expect of this Action, is the Converſion and Reduction of the People in thoſe Parts unto the true Worſhip of God and Chriſtian Religion, in which Reſpect we ſhould be loath that any Perſon ſhould be permitted to paſs that we ſuſpected to affect the Superſtitions of the Church of *Rome*, we do hereby DECLARE, that it is our Will and Pleaſure that none be permitted to paſs in any Voyage from Time to Time to be made into the ſaid Country, but ſuch as firſt ſhall have taken the Oath of Supremacy; For which Purpoſe, we do by theſe Preſents give full Power and Authority to the Treaſurer for the Time being, and any three of the Council, to tender and exhibit the ſaid Oath, to all ſuch Perſons as ſhall at any Time be ſent and employed in the ſaid Voyage. ALTHOUGH expreſs Mention of true yearly Value or Certainty of the Premiſſes, or any of them, or of any other Gifts or Grants by Us, or any of our Progenitors or Predeceſſors to the aforeſaid Treaſurer and Company heretofore made in theſe Preſents, is not made; Or any Act, Statute, Ordinance, Proviſion, Proclamation, or Reſtraint, to the contrary hereof had, made, ordained, or provided, or any other Thing, Cauſe, or Matter whatſoever in any wiſe notwithſtanding. IN WITNESS whereof, We have cauſed theſe our Letters to be made Patent. Witneſs ourſelf at *Weſtminſter*, the 23d Day of *May*, in the ſeventh Year of our Reign of *England*, *France*, and *Ireland*, and of *Scotland* the ****

PER IPSUM REGEM.

LUKIN.

The THIRD CHARTER *of* VIRGINIA.

[Stith's Hiſt. of Virginia. App. p. 23, March 12, 1611-12.]

JAMES, by the Grace of God, King of *England*, *Scotland*, *France*, and *Ireland*, Defender of the Faith; To all to whom theſe Preſents ſhall come, Greeting. WHEREAS at the humble Suit of divers and ſundry our loving Subjects, as well Adventurers as Planters of the firſt Colony in *Virginia*, and for the Propagation of *Chriſtian* Religion, and reclaiming of People barbarous, to Civility and Humanity, We have, by our Letters-Patents, bearing Date at *Weſtminſter*, the three-and-twentieth Day

Day of *May*, in the ſeventh Year of our Reign of *England*, *France*, and *Ireland*, and the two-and-fortieth of *Scotland*, GIVEN and GRANTED unto them that they and all ſuch and ſo many of our loving Subjects as ſhould from time to time, for ever after, be joined with them as Planters or Adventurers in the ſaid Plantation, and their Succeſſors, for ever, ſhould be one Body politick, incorporated by the Name of *The Treaſurer and Company of Adventurers and Planters of the City of London for the firſt Colony in Virginia;* And whereas alſo for the greater Good and Benefit of the ſaid Company, and for the better Furtherance, Strengthening, and Eſtabliſhing of the ſaid Plantation, we did further GIVE, GRANT and CONFIRM, by our Letters-patents unto the ſaid Company and their Succeſſors, for ever, all thoſe Lands, Countries or Territories, ſituate, lying and being in that Part of *America* called *Virginia*, from the Point of Land called *Cape* or *Point Comfort* all along the Sea Coaſts to the Northward two hundred Miles; and from the ſaid Point of *Cape Comfort* all along the Sea Coaſt to the Southward two hundred Miles; and all that Space and Circuit of Land lying from the Sea Coaſt of the Precinct aforeſaid, up into the Land throughout from Sea to Sea Weſt and North-weſt; and alſo all the Iſlands lying within one hundred Miles along the Coaſt of both the Seas of the Precinct aforeſaid; with divers other Grants, Liberties, Franchiſes and Preheminences, Privileges, Profits, Benefits, and Commodities granted in and by our ſaid Letters-Patents to the ſaid Treaſurer and Company and their Succeſſors for ever. Now foraſmuch as we are given to underſtand, that in thoſe Seas adjoining to the ſaid Coaſts of *Virginia*, and without the Compaſs of thoſe two hundred Miles by Us ſo granted unto the ſaid Treaſurer and Company as aforeſaid, and yet not far diſtant from the ſaid Colony in *Virginia*, there are or may be divers Iſlands lying deſolate and uninhabited, ſome of which are already made known and diſcovered by the Induſtry, Travel, and Expences of the ſaid Company, and others alſo are ſuppoſed to be and remain as yet unknown and undiſcovered, all and every of which it may import the ſaid Colony both in Safety and Policy of Trade to populate and plant; in Regard whereof, as well for the preventing of Peril, as for the better Commodity of the ſaid Colony, they have been humble Suitors unto Us, that We would be pleaſed to grant unto them * an Enlargement of our ſaid former Letters-Patents, as well for a more ample Extent of their Limits and Territories into the Seas adjoining to and upon the Coaſt of *Virginia*, as alſo for ſome other Matters and Articles concerning the better Government of the ſaid Company and Colony, in which Point our ſaid former Letters-Patents do not extend ſo far as Time and Experience hath found to be needful and convenient: We therefore tendering the good and happy Succeſs of the ſaid Plantation,

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* *and* M. S.

tion, both in Regard of the General * Weal of human Society, as in Reſpect of the Good of our own Eſtate and Kingdoms, and being willing to give Furtherance unto all good Means that may advance the Benefit of the ſaid † Company, and which may ſecure the Safety of our loving Subjects planted in our ſaid Colony, under the Favour and Protection of God Almighty, and of our Royal Power and Authority, have therefore of our eſpecial Grace, certain Knowledge, and mere Motion, given, granted, and confirmed, and for Us, our Heirs and Succeſſors, we do by theſe Preſents give, grant, and confirm to the ſaid Treaſurer and Company of Adventurers and Planters of the City of *London* for the firſt Colony in *Virginia*, and to their Heirs and Succeſſors for ever, all and ſingular thoſe Iſlands whatſoever ſituate and being in any Part of the Ocean Seas bordering upon the Coaſt of our ſaid firſt Colony in *Virginia*, and being within three Hundred Leagues of any of the Parts heretofore granted to the ſaid Treaſurer and Company in our ſaid former Letters-Patents as aforeſaid, and being within or between the one-and-fortieth and thirtieth Degrees of Northerly Latitude; together with all and ſingular Soils, Lands, Grounds, Havens, Ports, Rivers, Waters, Fiſhings, Mines and Minerals, as well Royal Mines of Gold and Silver, as other Mines and Minerals, Pearls, precious Stones, Quarries, and all and ſingular other Commodities, Juriſdictions, Royalties, Privileges, Franchiſes, and Preheminences, both within the ſaid Tract of Land upon the Main, and alſo within the ſaid Iſlands and Seas adjoining whatſoever and thereunto or thereabouts, both by Sea and Land being or ſituate; And which, by our Letters-Patents we may or can grant, and in as ample Manner as We or any our noble Progenitors have heretofore granted to any Perſon or Perſons, or to any Company, Body Politick or corporate, or to any Adventurer or Adventurers, Undertaker or Undertakers of any Diſcoveries, Plantations, or Traffick, of, in, or into any foreign Parts whatſoever, and in as large and ample Manner as if the ſame were herein particularly named, mentioned, and expreſſed. Provided always, that the ſaid Iſlands or any Premiſes herein mentioned, or by theſe Preſents intended or ‡ meant to be granted, be not actually poſſeſſed or inhabited by any othe Chriſtian Prince or Eſtate, nor be within the Bounds, Limits, or Territories of the Northern Colony heretofore by Us granted to be planted by divers of our loving Subjects in the North Parts of *Virginia*. To HAVE AND TO HOLD, poſſeſs and enjoy ‖, all and ſingular the ſaid Iſlands in the ſaid Ocean Seas ſo lying and bordering upon the Coaſt and Coaſts of the ſaid Territories of the ſaid firſt Colony in *Virginia*, as aforeſaid. With all and ſingular the ſaid Soils, Lands, Grounds, and all and ſingular other the Premiſes heretofore by theſe Preſents granted or mentioned to be granted to them, the ſaid ⸸ Treaſurer and Company of Adventurers and Planters of the City of *London* for

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* M. S. *Wheel.* † M. S. *Companies.* ‡ M. S. *mean.* ‖ M. S. *and and ſingular.* ⸸ M. S. *Treaſurers.*

for the firſt Colony in *Virginia*, and to their Heirs, Succeſſors, and Aſſigns, for ever, to the ſole and proper Uſe and Behoof of them the ſaid Treaſurer and Company, and their Heirs and Succeſſors and Aſſigns, for ever; TO BE HOLDEN OF US, our Heirs and Succeſſors, as of our Manor of *Eaſt-Greenwich*, in Free and common Soccage, and not in *Capite*; YIELDING AND PAYING therefore to Us, our Heirs and Succeſſors, the fifth * Part of the Ore of all Gold and Silver which ſhall be there gotten, had, or obtained for all Manner of Services whatſoever. And further, Our Will and Pleaſure is, and We do by theſe Preſents, GRANT AND CONFIRM, for the Good and Welfare of the ſaid Plantation, and that Poſterity may hereafter know who have adventured and not been ſparing of their Purſes in ſuch a noble and generous Action for the general Good of their Country, and at the Requeſt and with the Conſent of the Company aforeſaid, that Our truſty and well-beloved † Subjects *George* Lord Archbiſhop of *Canterbury*, *Henry*, Earl of *Huntington*, *Edward* Earl of *Bedford*, *Richard* Earl of *Clanrickard*, &c. who ſince Our ſaid laſt Letters-Patents are become Adventurers, and have joined themſelves with the former Adventurers and Planters of the ſaid Company and Society, ſhall from henceforth be reputed, deemed, and taken to be, and ſhall be Brethren and free Members of the Company; and ſhall and may reſpectively, and according to the Proportion and Value of their ſeveral Adventures, HAVE, HOLD, and ENJOY, all ſuch Intereſt, Right, Title, Privileges, Preheminences, Liberties, Franchiſes, Immunities, Profits, and Commodities whatſoever, in as large and ample and beneficial Manner, to all Intents, Conſtructions, and Purpoſes, as any other Adventures nominated and expreſſed in any our former Letters-Patents, or any of them have or may have by Force and Virtue of theſe Preſents, or any our former Letters-Patents whatſoever. And We are further pleaſed, and We do by theſe Preſents GRANT and CONFIRM, that *Philip* Earl of *Montgomery*, *William* Lord *Paget*, Sir *John Starrington*, Knt. &c. whom the ſaid Treaſurer and Company have ſince the ſaid laſt Letters-Patents nominated and ſet down as worthy and diſcreet Perſons fit to ſerve Us as Counſellors, to be of our Council for the ſaid Plantation, ſhall be reputed, deemed, and taken as Perſons of our ſaid Council for the ſaid firſt Colony, in ſuch Manner and Sort, to all Intents and Purpoſes, as thoſe who have been formerly elected and nominated as our Counſellors for that Colony, and whoſe Names have been, or are inſerted and expreſſed in our ſaid former Letters-Patents. And we do hereby ordain and grant by theſe Preſents, that the ſaid Treaſurer and Company of Adventurers and Planters aforeſaid, ſhall and may, once every Week, or oftener, at their Pleaſure, hold, and keep a Court and Aſſembly for the better Order and Go-

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* M. S. *firſt*. † M. S. *Subject*.

vernment of the ſaid Plantation, and ſuch Things as ſhall concern the ſame; And that any five Perſons of our Council for the ſaid firſt Colony in *Virginia*, for the Time being, of which Company the Treaſure, or his Deputy, to be always one, and the Number of fifteen others, at the leaſt, of the Generality of the ſaid Company, aſſembled together in ſuch Manner, as is and hath been heretofore uſed and accuſtomed, ſhall be ſaid, taken, held, and reputed to be, and ſhall be a *ſufficient Court* of the ſaid Company, for the handling and ordering, and diſpatching of all ſuch caſual and particular Occurrences, and accidental Matters, of leſs Conſequence and Weight, as ſhall from Time to Time happen, touching and concerning the ſaid Plantation: And that nevertheleſs, for the handling, ordering, and diſpoſing of Matters and Affairs of greater Weight and Importance, and ſuch as ſhall or may, in any Sort, concern the * Weal Publick and general Good of the ſaid Company and Plantation, as namely, the Manner of Government from Time to Time to be uſed, the ordering and Diſpoſing of the Lands and Poſſeſſions, and the ſettling and eſtabliſhing of a Trade there, or ſuch like, there ſhall be held and kept every Year, upon the laſt *Wedneſday*, ſave one, of *Hillary* Term, *Eaſter*, *Trinity*, and *Michaelmas* Terms, for ever, one great, general, and ſolemn Aſſembly, which four Aſſemblies ſhall be ſtiled and called, *The four Great and General Courts of the Council and Company of Adventurers for Virginia* †; In all and every of which ſaid Great and General Courts, ſo aſſembled, our Will and Pleaſure is, and we do, for Us, our Heirs and Succeſſors, for ever, Give and Grant to the ſaid Treaſurer and Company, and their Succeſſors for ever, by theſe Preſents, that they, the ſaid Treaſurer and Company, or the greater Number of them, ſo aſſembled, ſhall and may have full Power and Authority, from Time to Time, and at all Times hereafter, to elect and chuſe diſcreet Perſons, to be of our ſaid Council for the ſaid firſt Colony in *Virginia*, and to nominate and appoint ſuch Officers as they ſhall think fit and requiſite, for the Government, managing, ordering, and diſpatching of the Affairs of the ſaid Company; And ſhall likewiſe have full Power and Authority, to ordain and make ſuch Laws and Ordinances, for the Good and Welfare of the ſaid Plantation, as to them from Time to Time, ſhall be thought requiſite and meet: *So always*, as the ſame be not contrary to the Laws and Statutes of this our Realm of *England*; And ſhall, in like Manner, ‡ have Power and Authority, to expulſe, diſfranchiſe, and put out of and from their ſaid Company and Society for ever, all and every ſuch Perſon and Perſons, as having either promiſed or ſubſcribed their Names to become Adventurers to the ſaid Plantation, of the ſaid firſt Colony in *Virginia*, ‖ or having been nominated for Adventurers in theſe or any other our Letters-Patents, or having been otherwiſe admitted

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* M. S. *W*, with a Blank after it. † M. S. *in and every.* ‡ M. S. *bave and Authority.* ‖ M. S. *of.*

mitted and nominated to be of the ſaid Company, have nevertheleſs either not put in any adventure at all for and towards the ſaid Plantation, or elſe have refuſed or neglected, or ſhall refuſe and neglect to bring in his or their Adventure, by Word or Writing, promiſed within ſix Months after the ſame ſhall be ſo payable and due. And whereas, the Failing and not Payment of ſuch Monies as have been promiſed in Adventure, for the Advancement of the ſaid Plantation, hath been often by Experience found to be dangerous and prejudicial to the ſame, and much to have hindered the Progreſs and Proceeding of the ſaid Plantation, and for that it ſeemeth unto Us a Thing reaſonable, that ſuch Perſons, as by their Hand Writing have engaged themſelves for the Payment of their Adventures, and afterwards neglecting their Faith and Promiſe, ſhould be compelled to make good and keep the ſame: Therefore, Our Will and Pleaſure is, that in any Suit or Suits commenced, or to be commenced in any of our Courts at *Weſtminſter*, or elſewhere, by the ſaid Treaſurer and Company, or otherwiſe againſt any ſuch Perſons, that our Judges for the Time being, both in our Court of Chancery, and at the Common Pleas, do favour and further the ſaid Suits ſo far forth as Law and Equity will in any wiſe further and permit. And We do, for Us, our Heirs and Succeſſors, further give and grant to the ſaid Treaſurer and Company, or their Succeſſors forever, that the ſaid Treaſurer and Company, or the greater Part of them for the Time being, ſo in a full and general Court aſſembled as aforeſaid, ſhall and may from Time to Time, and at all times forever hereafter, elect, chooſe and admit into their Company, and Society, any Perſon or Perſons, as well Strangers * and Aliens born in any Part beyond the Seas whereſoever, being in Amity with Us, as our natural Liege Subjects born in any our Realms and Dominions: And that all ſuch Perſons ſo elected, choſen, and admitted to be of the ſaid Company as aforeſaid, ſhall thereupon be taken, reputed, and held, and ſhall be free Members of the ſaid Company, and ſhall have, hold, and enjoy all and ſingular Freedoms, Liberties, Franchiſes, Privileges, Immunities, Benefits, Profits, and Commodities whatſoever, to the ſaid Company in any Sort belonging or appertaining, as fully, freely and amply as any other Adventurers now being, or which hereafter at any Time ſhall be of the ſaid Company, hath, have, ſhall, may, might, or ought to have and enjoy the ſame to all Intents and Purpoſes whatſoever. And We do further of our eſpecial Grace, certain Knowledge, and mere Motion, for Us, our Heirs and Succeſſors, give and grant unto the ſaid Treaſurer and Company, and their Succeſſors for ever, by theſe Preſents, that it ſhall be lawful and free for them and their Aſſigns, at all and every Time and Times hereafter, out of any our Realms and Dominions whatſoever, to take, lead, carry, and tranſport in and into the ſaid Voyage, and for and towards the ſaid Plantation of our ſaid firſt Colony in

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M. S. *as.*

in *Virginia*, all ſuch and ſo many of our loving Subjects, or any other Strangers that will become our loving Subjects, and live under our Allegiance, as ſhall willingly accompany them in the ſaid Voyages and Plantation, with Shipping, Armour, Weapons, Ordnance, Munition, Powder, Shot, Victuals, and all Manner of Merchandiſes and Wares, and all Manner of Cloathing, Implements, Furniture, Beaſts, Cattle, Horſes, Mares, and all other Things neceſſary for the ſaid Plantation, and for their Uſe and Defence, and for Trade with the People there, and in paſſing and returning to and from, without paying or yielding any Subſidy, Cuſtom, or Impoſition, either inward or outward, or any other Duty to Us, our Heirs and Succeſſors, for the ſame, for the Space of Seven Years from the Date of theſe Preſents. And We do further, for Us, our Heirs and Succeſſors, give and grant to the ſaid Treaſurer and Company, and their Succeſſors forever, by theſe Preſents, that the ſaid Treaſurer of that Company, or his Deputy for the Time being, or any two other of the ſaid Council, for the ſaid firſt Colony in *Virginia*, for the Time being, or any two other at all Times hereafter, and from Time to Time, have full Power and authority to miniſter and give the Oath and Oaths of Supremacy and Allegiance, or either of them, to all and every Perſon and Perſons, which ſhall at any Time or Times hereafter, go or paſs to the ſaid Colony in *Virginia*. And further, that it ſhall be lawful likewiſe for the ſaid Treaſurer, or his Deputy for the Time being, or any two or others of our ſaid Council, for the ſaid firſt Colony in *Virginia*, for the Time being, from Time to Time, and at all Times hereafter to miniſter ſuch a formal Oath, as by their diſcretion ſhall be reaſonably deviſed, as well unto any Perſon or Perſons employed in, for, or touching the ſaid Plantation, for their honeſt, faithful and juſt Diſcharge of their Service in all ſuch Matters as ſhall be committed unto them, for the Good and Benefit of the ſaid Company, Colony and Plantation; As alſo unto ſuch other Perſon or Perſons as the ſaid Treaſurer, or his Deputy, with two others of the ſaid Council ſhall think meet, for the Examination or clearing of the Truth, in any Cauſe whatſoever, concerning the ſaid Plantation, or any Buſineſs from thence proceeding, or thereunto belonging. And furthermore, whereas We have been certified, That divers lewd and ill diſpoſed Perſons, both Sailors, Soldiers, Artificers, Huſbandmen, Labourers and others, having received Wages*, Apparel and other Entertainment, from the ſaid Company, or having contracted and agreed with the ſaid Company to go, or to ſerve, or to be employed in the ſaid Plantation of the ſaid firſt Colony in *Virginia*, have afterwards either withdrawn, hid, or concealed themſelves, or have refuſed to go thither, after they have been ſo entertained and agreed withal: And that divers and ſundry Perſons alſo, which have been ſent and employed in the ſaid Plantation of the ſaid firſt Colony in *Virginia*, at and

* M. S. *Appell an other.*

and upon the Charge of the ſaid Company, and having there miſbehaved themſelves by Mutinies, Sedition, or other notorious Miſdemeanors, or having been employed or ſent abroad by the Governor of *Virginia*, or his Deputy, with ſome Ship or Pinnace, for our Proviſion of the ſaid Colony, or for ſome Diſcovery, or other Buſineſs and Affairs concerning the ſame, have from thence moſt treacherouſly either come back again, and returned into our Realm of *England*, by Stealth, or without Licence of our Governor of our ſaid Colony in *Virginia*, for the Time being, or have been ſent thither as Miſdoers and Offenders: And that many alſo of thoſe Perſons after their Return from thence, having been queſtioned by our ſaid Council here, for ſuch their Miſbehaviors and Offences, by their inſolent and contemptuous Carriage in the Preſence of our ſaid Council, have ſhewed little Reſpect and Reverence either to the Place or Authority in which we have placed and appointed them; And others for the colouring of their Lewdneſs and Miſdemeanors committed in *Virginia*, have endeavoured by moſt vile and ſlanderous Reports made and divulged, as well of the Country of *Virginia*, as alſo of the Government and Eſtate of the ſaid Plantation and Colony, as much as in them lay, to bring the ſaid Voyage and Plantation into Diſgrace and Contempt: By Means whereof, not only the Adventurers and Planters already engaged in the ſaid Plantation, have been exceedingly abuſed and hindered, and a great Number of other, our loving and well-diſpoſed Subjects, otherwiſe well affected and inclined to join and adventure in ſo noble, Chriſtian, and worthy an Action, have been diſcouraged from the ſame; but alſo the utter overthrow and Ruin of the ſaid Enterpriſe hath been greatly endangered, which cannot miſcarry without ſome Diſhonour to Us, and our Kingdom.

Now, foraſmuch as it appeareth unto us, that theſe Inſolences, Miſdemeanors, and Abuſes, not to be tolerated in any civil Government, have, for the moſt part, grown and proceeded, in regard our ſaid Council have not any direct Power and Authority, by any expreſs Words in our former Letters-patents, to correct and chaſtiſe ſuch Offenders; We therefore, for more ſpeedy Reformation of ſo great and enormous Abuſes and Miſdemeanors heretofore practiſed and committed, and for the preventing of the like hereafter, do by theſe Preſents for Us, our Heirs, and Succeſſors, GIVE and GRANT, to the ſaid Treaſurer and Company, and their Succeſſors for ever, that it ſhall, and may be lawful for our ſaid Council for the firſt Colony in *Virginia*, or any two of them (whereof the ſaid Treaſurer or his Deputy for the Time being, to be always one) by Warrant under their Hands, to ſend for, or cauſe to be apprehended, all, and every ſuch Perſon and Perſons, who ſhall be noted, or accuſed, or found at any Time or Times hereafter, to offend or miſbehave themſelves, in any the Offences before mentioned and expreſſed, and upon the Examination of any ſuch Offender or Offenders, and juſt Proof made by Oath, taken before the ſaid Council, of any ſuch notorious Miſdemeanors by them committed as aforeſaid;

aforeſaid ; And alſo upon any inſolent and contemptuous, or indecent Carriage and Miſbehaviour, to, or againſt, any our ſaid Council, ſhewed or uſed by any ſuch Perſon or Perſons ſo called, convented, and appearing before them as aforeſaid ; That in all ſuch Caſes, they our ſaid Council, or any two of them for the time being, ſhall, and may have full Power and Authority, either here to bind them over with good Sureties for their good Behaviour, and further therein, to proceed to all Intents and Purpoſes, as it is uſed in other like Caſes, within our Realm of *England* ; Or elſe, at their Diſcretions, to remand and ſend back the ſaid Offenders, or any of them, unto the ſaid Colony in *Virginia*, there to be proceeded againſt and puniſhed, as the Governor, Deputy or Council there, for the Time being, ſhall think meet ; Or otherwiſe, according to ſuch Laws and Ordinances, as are and ſhall be in Uſe there, for the Well-ordering and good Government of the ſaid Colony. And for the more effectual Advancing of the ſaid Plantation, We do further, for Us, our Heirs, and Succeſſors, of our eſpecial Grace and Favour, by Virtue of our Prerogative Royal, and by the Aſſent and Conſent of the Lords and others of our Privy Council, GIVE and GRANT, unto the ſaid Treaſurer and Company, full Power and Authority, free Leave, Liberty, and Licence, to ſet forth, erect, and publiſh, one or more Lottery or Lotteries, to have Continuance, and to endure and be held, for the Space of our whole Year, next after the opening of the ſame ; And after the End and Expiration of the ſaid Term, the ſaid Lottery or Lotteries to continue and be further kept, during our Will and Pleaſure only, and not otherwiſe. And yet nevertheleſs, we are contented and pleaſed, for the Good and Welfare of the ſaid Plantation, that the ſaid Treaſurer and Company ſhall, for the Diſpatch and Finiſhing of the ſaid Lottery or Lotteries, have ſix Months Warning after the ſaid Year ended, before our Will and Pleaſure ſhall, for and on that Behalf, be conſtrued, deemed, and adjudged, to be in any wiſe altered and determined. And our further Will and Pleaſure is, that the ſaid Lottery and Lotteries ſhall and may be opened and held, within our City of *London*, or in any other City or Town, or elſewhere, within this our Realm of *England*, with ſuch Prizes, Articles, Conditions, and Limitations, as to them, the ſaid Treaſurer and Company, in their Diſcretions, ſhall ſeem convenient : And it ſhall and may be lawful, to and for the ſaid Treaſurer and Company, to elect and chooſe Receivers, Surveyors, Auditors, Commiſſioners, or any other Officers whatſoever, at their Will and Pleaſure, for the better marſhalling, diſpoſing, guiding, and governing of the ſaid Lottery and Lotteries ; And that it ſhall likewiſe be lawful, to and for the ſaid Treaſurer and any two of the ſaid Council, to miniſter to all and every ſuch Perſon, ſo elected and choſen for Officers, as aforeſaid, one or more Oaths, for their good Behaviour, juſt and true Dealing, in and about the ſaid Lottery or Lotteries, to the Intent and Purpoſe, that none of our loving Subjects, putting in their Names, or otherwiſe adventuring in the ſaid general Lottery or Lotteries, may be, in any wiſe,

defrauded

defrauded and deceived of their ſaid Monies, or evil and indirectly dealt withal in their ſaid Adventures. And we further GRANT, in Manner and Form aforeſaid, that it ſhall and may be lawful, to and for the ſaid Treaſurer and Company, under the Seal of our ſaid Council for the Plantation, to publiſh, or to cauſe and procure to be publiſhed by Proclamation, or otherwiſe (the ſaid Proclamation to be made in their Name, by Virtue of theſe Preſents) the ſaid Lottery or Lotteries, in all Cities, Towns, Burroughs, and otherPlaces, within our ſaid Realm of *England*; And we Will and Command all * Mayors, Juſtices of the Peace, Sheriffs, Bailiffs, Conſtables, and other Officers and loving Subjects, whatſoever, that in no wiſe, they hinder or delay the Progreſs and Proceedings of the ſaid Lottery or Lotteries, but be therein, touching the Premiſes, aiding and aſſiſting, by all honeſt, good, and lawful Means and Endeavours. And further, our Will and Pleaſure is, that in all Queſtions and Doubts, that ſhall ariſe, upon any Difficulty † of Conſtruction or Interpretation of any Thing, contained in theſe, or any other our former Letters-patents, the ſame ſhall be taken and interpreted, in moſt ample and beneficial Manner for the ſaid Treaſurer and Company, and their Succeſſors, and every Member thereof. And laſtly, we do, by theſe Preſents, RATIFY AND CONFIRM unto the ſaid Treaſurer and Company, and their Succeſſors, for ever, all and all Manner of Privileges, Franchiſes, Liberties, Immunities, Preheminences, Profits, and Commodities, whatſoever, granted unto them in any our former Letters-patents, and not in theſe Preſents revoked, altered, changed, or abridged. ALTHOUGH expreſs Mention of the true Yearly Value or Certainty of the Premiſes, or any of them, or of any other Gift or Grant, by Us or any our Progenitors or Predeceſſors, to the aforeſaid Treaſurer and Company heretofore made in theſe Preſents is not made; Or any Statute, Act, Ordinance, Proviſion, Proclamation, or Reſtraint, to the contrary thereof heretofore made, ordained, or provided, or any other Matter, Cauſe, or Thing, whatſoever, to the contrary, in any wiſe, notwithſtanding.

IN WITNESS whereof we have cauſed theſe our Letters to be made Patents. Witneſs Ourſelf, at *Weſtminſter*, the twelfth Day of *March*, in the ninth Year of our Reign of *England*, *France*, and *Ireland*, and of *Scotland* the five and fortieth.

* M. S. *Mayor*. † M. S. *Or*.

De COMMISSIONE SPECIALI *directa* WALTERO RAWLEY *Militi concernente Voiagium* GUIANIANUM.

[Rymer's Fœdera, Tom. XVI. Page 789. A. D. 1616.]

JAMES, by the Grace of God, &c. to all to whome theis Preſentes ſhall come to be reade, hearde, or ſeene, and to every of them, Greetinge. WHEREAS Sir *Walter Rawleigh*, *Knight*, intendeth to undertake a Voyage by Sea and Shippinge into the *Southe Partes of America*, or elſewhere, within America poſſeſſed and inhabited by Heathen and Savage People, to the ende to diſcover and finde out ſome Commodities and Marchandizes in thoſe Countries that may be neceſſary and profitable for the Subjects of theis our Kingdomes and Dominions, whereof the Inhabitants there make little or noe Uſe or Eſtimation; whereupon alſoe may enſue by Trade and Commerce ſome Propagation of the Chriſtian Faithe and Reformed Religion amongſt thoſe ſavage and idolatrous People. And whereas We are credibly informed, that there are dyvers Merchants and Owners of Shippes, and others well diſpoſed to aſſiſt the ſaide Sir *Walter Rawleigh* in this his Enterpriſe, had they ſufficient Aſſurance to injoy their Partes of the Profittes retourned, in Reſpect of the Perill of Lawe wherein the ſaide Sir Walter Rawleigh now ſtandeth. And whereas alſo We are informed, that dyvers other the Kinſmen and Frendes of the ſaide Sir *Walter Rawleigh*, and dyvers Capteins and other Commaunders are alſoe deſirous to follow him, and to adventure theire Lyves with him in this his Journey, ſoe as they might be commaunded by noe other then himſelfe. KNOW YE, that Wee, uppon deliberate Conſideration had of the Premiſſes, being deſirous by all Waies, and Meanes to worke and procure the Benefitt and Good of our lovinge Subjectes, and to give our Princely Furtheraunce to the ſaide Sir Walter Rawleighe his Friends and Aſſociates herein, to the Incouragement of others in the like laudable Journyes and Enterprizes to be hereafter proſecuted and purſued; and eſpecially in Advaunce-ment and Furtherance, as well of the Converſion of Sauvage People as of the Increaſe of the Trade Traffique and Merchandize uſed by our Subjectes of this our Kingdom, being moſt famous through all Nations, of our eſpecial Grace, certain Knowledge and meare Motion, have given and graunted, and by theis Preſents for Us our Heires and Succeſſors, doe give and graunte unto the ſaide Sir Walter Rawleigh full Power and Authority, and free Licence and Liberty, out of this our Realme of Englande or anie other our Dominions, to Have, Take, Carry and Leade, for and towardes his ſaid intended Voyage into the ſaid Southe Partes or other Partes of America poſſeſſed and inhabited as aforeſaide, and traveill thither, all ſuche

and

and ſoe many of our loving Subjectes, or any other Straungers that will become our loving Subjectes and lyue under our Obeizaunce and Allegiaunce, as ſhall willingly accompany him with ſufficient Shippinge, Armor, Weapons, Ordnance, Munition, Pouder, Shot, Habilliments, Victualles, and ſuche Wares and Marchandizes as are eſteemed by the wilde People in thoſe Partes, Clothinge, Implementes, Furniture, Cattell, Horſes, Mares, and all other ſuch thinges as he ſhall thinke moſt neceſſary for his Voyage, and for the uſe and defence of him and his Company and Trade with the people there, and in paſſinge and returninge to and fro; and in thoſe Partes to Give away, Sell, Barter, Exchaunge, or otherwiſe diſpoſe of the ſame Goodes, Marchandizes and Premiſes to the moſte Benefit and att the Will and Pleaſure of the ſaid Sir *Walter Rawleighe* and his Companie, and ſuch other Perſon and Perſons as ſhall be Adventurers or Aſſiſtentes with or unto him in this his intended Voyage, and from thence to returne, import, convey and bringe into this our Kingdome or anie other our dominions, ſuch Gould, Silver, Bullion, or anie other Wares, Merchandizes, or Commodities whatſoever as they ſhall thinke moſt fitte and convenient; and the ſame beinge ſoe retourned, imported, conveyed and brought into this our Kingdome, or anie other our Dominions, to have take keepe, retaine, and convert to the only proper Uſe Benefitt and Behoofe of the ſaid Sir *Walter Rawleigh* and his ſaid Company, and other Perſons Adventurers and Aſſiſtantes with or to him in this Voyage without the Lett, Interruption, Moleſtation, or Diſturbance of Us our Heirs and Succeſſors, or anie the Officers and Miniſters of Us our Heirs and Succeſſors whatſoever: PAYINGE and ANSWERINGE unto Us our Heires and Succeſſors the full fifte Parte, in five Partes to be devyded, of all ſuch Gould, and Silver, and Bullion, or Oare of Goulde, and Silver, and Pearle, or precious Stone, as ſhall be ſoe imported, over and beſides and together with ſuch Cuſtoms, Subſidies, and other Duties as ſhould be due for or in Reſpect of any other Goods, Wares, or Merchandizes whatſoever to be imported by the true Meaning of theis Preſentes. And to the Ende the ſaide Sir *Walter Rawleigh* may be the more incouraged to goe forward in this his Enterprize, and all our lovinge Subjects deſirous to be Adventurers with him or Aſſiſtant unto him may be the more incited to further his Proceedings, Wee doe hereby, *in Verbo Regio*, for Us our Heires and Succeſſors, covenante, promiſe, and graunte to and with the ſaid Sir *Walter Rawleigh* and all other Perſons that ſhall accompany him, or be attendant uppon him, or be Adventurers or Aſſiſtantes with or to him in this his Voyage, that noe Gould, Silver, Goodes, Wares, or Merchandizes whatſoever of what kinde or ſorte ſoever, by him or them, or anie of them, to be imported into this our Kingdome of England, or into anie other our Dominions, from anie the ſaide Southe or other Partes of America, poſſeſſed or inhabited as aforeſaid, ſhall be attached, ſeized, or taken by Us our Heires or Succeſſors, or to the Uſe of Us our Heires or Succeſſors, or by any the Officers or Miniſters of Us our

Heires or Succeſſors whatſoever, but that the ſame and every of them, the fifthe Parte of the ſaide Goulde, Silver, Bullion, and Oare of Gold, and Silver, and Pearle, and precious Stones, and other the Cuſtomes and Duties aforeſaid being truly aunſwered and paide, ſhould be and remaine to the ſole and proper Uſe and Behoofe of the ſaide Sir *Walter Rawleighe* and his ſaid Companye, and ſuch Perſons as ſhall be Adventurers with him or his, or Aſſiſtant unto him in this his Voyage, any lawe, Satute, Acte of Parliament, Proclamation, Proviſion or Reſtraint, or anie Right Title or Clayme of Us our Heires or Succeſſors, or any other Matter or Thinge whatſoever, to the contrary in any wiſe notwithſtanding. And further, of our more eſpeciall Grace certeine Knowledge and meare Motion, Wee doe hereby, for Us our Heires and Succeſſors, ordaine, conſtitute, and appoint the ſaide Sir *Walter Rawleigh* to be the ſole Governor and Commaunder of all Perſons that ſhall traveill or be with him in the ſaide Voyage to the ſaide South or other parts of America ſoe poſſeſſed or inhabited as aforeſaid, or in returninge from thence: And Wee doe hereby give unto him full Power and authority to correct puniſhe, pardon, governe, and rule, them or anie of them, according to ſuch Orders, Ordenaunces, Conſtitutions, Directions and Inſtructions as by the ſaide Sir *Walter Rawleigh* ſhall be from time to time eſtabliſhed, as well in Caſes capitall and criminall, as civill, bothe marine and other, ſo allwaies as the ſaide Statutes, Ordenaunces, and Proceedings, as near as conveniently may be, be agreeable to the Lawes, Statutes, Government, and Policy of this our Realme of England, not againſt the true Chriſtian Faithe now profeſſed in the Church of England; And becauſe that in ſuch and the like Enterpriſes and Voyages, great Inconveniences have growen by the mutinous and diſorderly Carriage of the Mariners and Saylers, imployed in the ſame for want of ſufficient authority to puniſhe them accordinge to their Offences, Wee doe therefore by theis Preſentes, for Us our Heires and Succeſſors, give full Power and Authority to the ſame Sir *Walter Rawleigh*, in Caſe of Rebellion and Mutinie by Sea or Lande, to uſe and exerciſe Martiall Lawe uppon Grounde and apparant neceſſity, in as lardge and ample manner as our Lieutenant Generall by Sea or Lande, or our Lieutenantes in our Counties within our Realme of England, have had or ought to have by Force of their Commiſſion of Lieuetenauncy. And Wee doe further by theis Preſentes, give full Power and Authority to the ſaid Sir *Walter Rawleigh* to elect nominate and appoint ſuch Captaines, and other inferiour Commaunders and Miniſters under him, as ſhall be requiſite for the better ordring and governing of his Companie and the good of the Voyage. And further Wee doe by theis Preſentes, for Us our Heires and Succeſſors, ſtraightly chardge and commaunde the Warden of our Cinque Portes, and all the Cuſtomers, Comptrollers, Surveighors, Searchers, Wayters, and other Officers and Miniſters of Us our Heires and Succeſſors for the Time being, that they and everie of them, doe quietlie permit and ſuffer the ſaid Sir *Walter Rawleighe*,

and

and all Perſon and Perſons that ſhall be willinge to travaile and adventure with him in this Voyage with their Shippes, Munytion, Goodes, Wares, and Merchandizes, whatſoever, out of this our Realme or anie other our Dominions, to paſſe into the ſaide Southe or Northe Partes of America poſſeſſed and inhabited as aforeſaid; and from thence to retourne and ymporte into this our Realme or anye other our Dominions, anye Goodes, Wares, or Merchandizes whatſoever; and there to ſell, or otherwiſe diſpoſe of the ſame to the beſte Benefitt and Advantage, and to the onelie Uſe and Behoofe of the ſayde Sir *Walter Rawleigh*, and his Company, and ſuch other Perſons as ſhall be Adventurers with him in this Voyadge; PAYING the fifte Parte of all Gould and Silver Bullion, and Oare of Gould and Silver, and of Pearle, and precious Stone imported, and other the Cuſtomes and Duties aforeſaid; And theis Preſentes, or the Inrollment thereof, ſhall be unto the ſaid Warden of the Cinque Ports, Cuſtomers, Comptrollers, and other the Officers and Miniſters aforeſaid for the tyme being, a ſufficient Warrant and Diſcharge in that Behalfe. And our Will and Pleaſure is, and by theis Preſentes, for Us, our Heires and Succeſſors, Wee do graunte unto the ſaid Sir *Walter Rawleigh*, that theis our Letters-Patentes, or the Inrollment thereof, and of all and ſingular Grauntes, Clauſes, and Thinges therein contayned, ſhall be firme, ſtronge, ſufficient, and effectual in Lawe, according to our gratious Pleaſure and Meaning herein expreſſed, any Lawe, Statute, Acte, Proviſion, Ordynaunce or Reſtrainte, or anye other Matter or Thing to the contrarie thereof, in any wiſe notwithſtanding: Although expreſſe Mention, &c.

In Witnes whereof, &c.

Witneſs Ourſelf at *Weſtmynſter*, the ſixe-and-twentieth Day of Auguſt.

Per Breve de Privato Sigillo.

PROCLAMATIO *concernens* WALTERUM RAWLEIGH, *Militem et Viagium ſuum ad Guianam.*

[Rymer's Fœdera, Tom XVII. Page 92. A. D. 1618.]

WHEREAS We gave Licence to Sir *Walter Rawleigh*, Knight, and others of our Subjectes with him, to undertake a Voyage to the Countrey of Guiana, where they pretended great Hopes and Probabilities, to make Diſcovery of certain Gould Mynes, for the lawful inrichinge of themſelves, and theſe our Kingdomes, wherein

wherein We did, by expreſſe Limitation and Caution, reſtrayne and forbid them, and everye of them, from attemptinge any Acte of Hoſtility, Wronge, or Violence whatſoever, upon any of the Territories, States, or Subjectes of any forrayne Princes with whom We are in Amity, and more peculiarly of thoſe of our dear Brother, the *Kinge of Spayne*, in Reſpect of his Domynions and Intereſtes in that Continent, all which notwithſtanding, We are ſince informed by a common Fame, that they, or ſome of them, have by an hoſtile Invaſion of the Towne of *Saint Thome*, being under the Obedience of oure ſaid deare Brother, the *Kinge of Spayne*, and by killinge of divers of the Inhabitantes thereof, his Subjectes, and after by ſackinge and burneinge of the ſaid Towne, as much as in them for theire owne Parts lay, maliciouſly broken and infringed the Peace and Amitye which hath bene ſoe happily eſtabliſhed, and ſoe longe inviolably continued betweene Us and the Subjects of both our Crownes, We have therefore held it fit, appertayninge neerly to our Juſtice and Honour, eftſoones to make a publique Declaration of our owne utter Miſlike and Deteſtation of the ſaid Inſolences and Exceſſes (if any ſuch have bene by any of our Subjectes committed) and, for the better Detection and clearing of the very Truth of the ſaid common Fame, We doe hereby ſtraightly charge and require all our Subjects whatſoever, that have any particular Underſtanding and Notice thereof, uppon their Duty and Allegiance which they owe Us, immediately after Publication of this our Pleaſure, to repaire unto ſome of our Privy Councell, and to diſcover and make knowne unto them their whole Knowledge and Underſtandinge concerning the ſame, under Payne of our high Diſpleaſure and Indignation, that we may thereupon proceed in our Princely Juſtice, to the exemplary Puniſhment and Coercion of all ſuch as ſhall be convicted and found guilty of ſoe ſcandalous and enormous Outrages.
Witnes our ſelfe at *Weſtminſter*, the Eleaventh Day of June.

PER IPSUM REGEM.

PLYMOUTH COLONY RECORDS.

LIB. A.

THE Forme of Oath which the Oth of Alegance to his Maj. which lives in this Colonie, Fidelity to the ſame.

YOU ſhall ſweare by the Name of the Great God and Earth, and in his holy Fear, and Preſence, that you ſhall not ſpeake, or

or doe, deuiſe or aduiſe, any Thing or Thinges, Acte or Acts, directly, or indirectly, by Land, or Water, that doth, ſhall, or may tend to the Deſtruction or Overthrowe of this preſent Plantation, Colonie, or Corporation of this Town of Plimoth, in New-England.

Neither ſhall you ſuffer the ſame to be ſpoken, or done, but ſhall hinder, and opoſſe the ſame by all due Means you can.

You ſhall not enter into any League, Treaty, Confederation, or Combination with any, within the ſaid Colonie, or without the ſame, that ſhall plote or contrive any Thing to the Hurte, and Ruine of the Growth and Good of the ſaid Plantation.

You ſhall not conſente to any ſhuch Confederation, nor conceale any known vnto you certainly, or by Conj. but ſhall forthwith manifeſt and make knowne the ſame to the Gouernours of this ſaid Towne for the Time being.

And this you promiſe, and ſwear, ſimply, and truly, and faithfully to performe, as you hope for Help God, the God of Truth, and Puniſher of Falſehoode.

The Forme of the Oath which of the Gouernour and Counſell, at every new Election of them.

YOU ſhall ſwear, according to that Wiſdom, and Meaſure of diſcerning giuen vnto you; faithfully, equally, and indifferently, without Reſpect of Perſons, to admininiſter Juſtice in all Cauſes coming before you. And ſhall labor to aduanſe, and furder the Good of this Colony, and Plantation, to the vtmoſt of your Power; and oppoſe any Thing that may hinder the ſame.

So help you God.

[The above Oaths are taken from the firſt Book of Records, beginning in 1620, and are ſuppoſed to be the firſt Oaths adminiſtered in the Colony.—The Form was afterwards changed.]

CONDITIONS *upon which the* ENGLISH *at* Leyden, *who intended to remove to* America, *engaged with ſome Merchants in* England, *who were to be joint Adventurers with them.*

[Hubbard's M. S. Hiſt. 7. fo. 40.]

I. THE Adventurers and Planters doe agree, that euery perſon that goeth being 16 yeeres old and upwards, bee rated at tenn pounds, and that tenn pounds bee accounted a ſingle ſhare.

II. That

II. That hee that goeth in perſon and furniſheth himſelf out with tenn pounds, either in money or other prouiſions, bee accounted as having 20 lb. in ſtocke, and in the diviſion ſhall receiue a double ſhar e.

III. The perſons tranſported and the Adventurers, ſhall continue theire joynt ſtocke, and partnerſhipe, the ſpace of ſeauen yeeres, except ſome unexpected impediments doe cauſe the whole Company to agree otherwiſe; during which time all profits and benefits that are gotten by trade, traficke, * truſting, working, fiſhing, or any any other meanes of any other perſon or perſons † remayne ſtill in the common ſtocke until the diuiſion.

IV. That at theire comeing there they ſhall chuſe out ſuch a number of fit perſons asmay furniſh their ſhipes and boats for fiſhing upon the Sea; imploying the reſt in theire ſeveral facultyes upon the Land, as building houſes, tilling and planting the ground, and makeing ſuch commodities as ſhall be moſt vſeful for the Colony.

V. That att the end of the ſeauen yeeres the capitall and profits, viz. the houſes, lands, goods, and chattels, be equally deuided amongſt the Adventurers, if any debt or detriment concerning this adventure.

VI. Whoſoever cometh to the Collony hereafter, or putteth any thing into the ſtocke, ſhall, at the end of the ſeven ſeauen yeeres, bee allowed proportionaly to the time of his ſoe doeing.

VII. Hee that ſhall carie his wife, or children, or ſeruants, ſhall bee allowed for every perſon, now aged 16 yeeres and upward, a ſingle ſhare in the diviſion; or if he prouide them neceſſaries, a double ſheare, or if they be betweene 10 yeeres old and 16, then two of them to be reconed for a perſon, both in tranſportation and diuiſion.

VIII. That ſuch children that now goe and are under age of ten yeeres, haue noe other ſhare in the diuiſion, than fivety accres of unmanured Land.

IX. That ſuch perſons as dy before the ſeauen yeeres bee expired, theire executors to have theire parts or ſhare at the diuiſion, proportionably to the time of theire life in the Colony,

X. That all ſuch perſons as are of the Colony are to have meat, drincke, and apparell out of the comon ſtocke and goods of the ſaid Colony.

☞ It appears from Hubbard that the conditions at firſt agreed upon, were more favorable to the Planters, but the Merchants (without whoſe aſſiſtance nothing could be

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* Perhaps this ſhould be *trucking*. † *Shall*, ſeems to be wanting here

be done) inſiſted upon an alteration: what that was he tells us as follows in page 41.

"The difference betweene the conditions thus expreſſed, and the former before theire alteration ſtood in theſe two poynts: firſt, that the houſes and lands improued, eſpecially gardens and feilds, ſhould remayne undeuided, wholly to the Planters at the 7 yeares end; and that the Planters ſhould haue two dayes in the weeke for theire owne priuate imployment for the comfort of themſelues and theire famalys, eſpecially ſuch as had them to take care for. The altering of thoſe two conditions was very afflictive to the mindes of ſuch as were concerned in the voyage."

COMMISSIO SPECIALIS *concernens le Garbling Herbæ Nicotianæ.*

[Rymer's Fœdera, Tom. XVII, Page 190. A. D. 1620.]

JAMES, by the Grace of God, *King of England, Scotland, France, and Ireland,* Defender of the Faith, *&c.* to our truſtie and well beloved, Sir *William Paddy,* Knight, and *Matthew Gwynne,* Doctor of Phiſicke, *Symon Harvey,* and *Thomas Bourne,* Citizens and Grocers of our City of London, *Richard Aſhcroft,* and *Thomas Hampſon,* Merchaunts, *Richard Bacon,* and *Edmond Phillips,* Citizens and Apothecaryes of our ſaid Citty of London, *Greetinge:* Whereas, We taking into our Princelie Conſideration, that divers good and neceſſarie Proviſions have byne heretofore made, as well by Acte of Parliament as otherwiſe, for the well Garblinge of Spices and Druggs, to the Intent, that the Subjects of this our Realm ſhould not be occaſioned to uſe any unwholeſome Spices or Druggs, to the ympayring of their Health, or to buy the bad inſtead of the good, to the ympayringe of their Subſtance, And that the Druggs (called Tobacco) being of late Years grown frequent in this our Realme, and other our Dominions, was daylie ſould ungarbled, whereby more Inconvenience groweth and ariſeth to our loving Subjects then by any other Druggs whatſoeuer; And being alſoe informed, that the many and ſundry Abuſes practized and committed by Marchantes, Maſters of Ships and others, in concealing and utteringe theſaid Tobacco without paying any Ympoſt or Cuſtome for the ſame, greate Loſſe and Damage accreweth to Us, notwithſtandinge any Lawes, Statutes, or other Courſe heretofore taken; For preventing thereof, Wee did, by our Letters-Patents under our Great Seal of *England,* bearing Date at *Weſtminſter,* the five and twentieth Day

of Maye laſt, prohibit and forbid that noe Perſon or Perſons ſhould at any Time after the Day of the Date of the ſaid Letters-Patents within our Realm of *England*, the Dominion of *Wales*, and Port and Towne of *Barwicke*, or any of them, or within our Realme of *Ireland*, or any Part of them, or any of them, by himſelfe or themſelues, or his or their Seruants or Factors, or any others, directlie or indirectlie, ſell or put to Sale, or attempt, preſume, or goe about any Manner of Way to ſell or put to Sale, either in Groſſe, or by Retayle, any Tobacco, of what Sorte, Kinde, or Groweth whatſoeuer, before the Cuſtome and Ympoſt therefore due were paide, and the ſame Tobacco were viewed, diſtinguiſhed and ſealed by the Officer or Officers of Us, our Heires and Succeſſors, in that Behalf to be conſtituted and appointed, as by our ſaid Letters-Patents, amongſt divers other Things therein contayned at large appeareth. And whereas afterwards, to the Intent our Will and Pleaſure in the Premiſſes might be the better knowne to all our lovinge Subjects whom yt may concern, Wee did, by our Proclamation, bearing Date the *Tenth Day of November* laſt paſt, notefie, publiſhe, and declare the ſame our Pleaſure, willing and commaunding, that all and every the Premiſſes therein mentioned, ſhould be from Tyme to Tyme in euerie Reſpect dulie performed, executed and obſerved, according to the true Intent and Meaning of the ſame our Letters-Patents, as by our ſaid Proclamation more at large appeareth: Wee, continewing our former Reſolution and Purpoſe, to provide for the Health and Welfare of our loving Subjects, have determined ſoe to proceed in the effectinge thereof, that the badd and unwholeſome Tobacco maye be ſevered, diſtinguiſhed, and diſcerned, and yet the Good receive noe Prejudice to the Hindrance of the Sale of the Commoditie, and Prejudice of the Marchante: Know ye now that We, repoſinge aſſured Truſt and Confidence in the Learning, Skill, and Experience of you, the ſaid Sir *William Paddy*, *Matthewe Gwynne*, *Simon Harvey*, *Thomas Bourne*, *Richard Aſhcrofte*, *Thomas Hampſon*, *Richard Bacon*, and *Edmond Phillips*, have aſſigned and appoynted you to be our Commiſſioners, and doe hereby for Us, our Heirs and Succeſſors, give and graunt full Power and Authoritie unto you, or any five or more of you (whereof one of you to be a Phiſition, one other a Marchant, one other a Grocer, and one other an Apothecarie) to aſſemble and meet together in ſuch convenient Place and Places, as you ſhall think meet; and, upon ſerious and adviſed Conſideration of all neceſſarie Circumſtances incident to that Buſineſs, to conceive, make, ordayn, treat, digeſt, and ſet down, ſuch and ſoe many good and fit Ordinances, Orders, and Directions in Writing, for the Manner of garbling and diſtinguiſhing of the aforeſaid Drug called Tobacco, according to the true Intent of our ſaid Letters-Patents and Proclamation, within our ſaid Realmes of *England* and *Ireland*, and the Domynion of *Wales*, and Port and Town of *Barwicke*, as to you ſhall be thought moſt convenient, whereby the Goodnes or Badneſs of the ſaid Tobacco may be diſcerned, and the Deceipte and Abuſe of our Subjects may be

prevented

prevented, and yet the Sale and Utterance of that which is wholſome and fit for Uſe may not be hindred or impayred to the Hurte or Prejudice of the Marchants or Retaylors of the ſame Tobacco; and the ſame Ordinances, Orders, and Directions to returne and certifie into our Court of Chauncerie, to the end that the ſame may be there inrolled; which Ordinances and Conſtitutions ſo certefied and enrolled, We doe hereby, for Us, our Heires and Succeſſors, ſtraitlie charge and commaunde to be inviolablie obſerved and put in Execution, ſoe as the ſame be not repugnant, or contrary to the Laws or Statutes of this Realme. And therefore, Wee do hereby will and require you to attend the Execution of this our Commiſſion, and to make Returne of your whole Proceedings thereupon, under your Hands and Seals in Writing, together with this our Commiſſion, into our ſaid Court of Chauncerie ſoe ſoon as you convenientlie may, and at the furtheſt before the *two and twentieth Day of Aprill*, now next cominge. And, that our Pleaſure herein may be the better effected, We do hereby requyer and commaund the *Lord Chancellor of England*, or *Lord Keeper of the Greate Seale of England*, for the Tyme beinge, the *Maiſter of the Rolles* for the Tyme being, and all other our Officers of the ſaid Courte, to whome yt ſhall appertayne, that, imediatelie uppon the Retorne of this our Commiſſion, and of ſuch Ordinances and Conſtitutions as by you our ſaid Commiſſioners ſhall be conceived and ſett downe by Vertue hereof, unto the ſaid Courte of Chauncerie, that they, or ſome of them, do forthwith with all Care and Diligence cauſe the ſaide Commiſſion and Ordinances to be there inrolled, to the End the ſame may be the better put in Execution.

In Witnes whereof, *&c.*

Witnes our ſelfe at *Weſtminſter*, the Seaventh Day of Aprill.

Par Breve de Privato Sigillo.

A PROCLAMATION *for the apprehending of* Captaine NORTH, *and Others.*

[Rymer's Fœdera, Tom XVII. Page 215. A. D. 1620.]

WHEREAS *Roger North*, Eſquire, with divers others of our Subjectes, as Adventurers for the intended Plantation and ſettling of Trade and Commerce in thoſe Partes of the Contynent of *America*, nere and about the *River of Amazones*, which were preſuppoſed not to be under the Obedience and Government of any other Chriſtian Prince or State, hath ſecretly conveied himſelf away, and

and hath diſloially precipitated and imbarqued himſelf, and his Fellowes, and ſodenly ſett to Sea, with a pretended Purpoſe to proſecute that Deſigne, contrarie to our Roiall Pleaſure and Commaundement, expreſsly ſignified unto him by one of our Principal Secretaries, our Admyral of England haveing alſo refuſed him Leave to goe; Wee then having, out of weightie Conſiderations and Reaſon of State, and upon the deliberate Advice of our Privy Councell, reſolved to ſuſpend and reſtraine the ſaid Plantation and Voiage for a Tyme, and having thereupon ſtraightly charged and commaunded him the ſaid *North* upon his duty and Allegiance, that he and his Aſſociates ſhould for a while ſurceaſe their Proviſions, and ſhould ſtay themſelves and their Shipping which they had alreddy prepared, until our further Pleaſure ſhould be made knowne unto them; Wee have therefore held it fitt hereby to make a publique Declaration, of this our utter Miſſlike and Diſavowment of this their raſh, undutiful, and inſolent Attempt, and doe hereby revoak, annihilate and diſannull all Power, Authority, Juriſdiction, or Commiſſion whatſoever, which he the ſaid *North*, or any of his Complices, may pertend in any Sort to derive and hould from or under Us; and do hereby charg, as well him the ſaid *North*, as all his Companions and Followers, immediately, upon the firſt Notice that ſhall be given him or them of this our Pleaſure, that they ſhall make their ſpeedy Retorne directly Home, with all their Shipping and Munytions into this our Kingdom of England, aſſoone as the Windes and Weather ſhall permit them, and being here arrived, ſhall forthwith preſent themſelves in Perſon unto ſome of our Privy Councell, under Paine of being hereby dedeclared guilty of high Contempt and Rebellion, in Caſe they ſhall diſobey this our expreſſe Commaundment. And We do further hereby ſtraitly require and charg, as well the Governors, as all other the Partenors and Adventurers any waies concerned or intereſſed as Members of the Company and Incorporation intended for that Plantation, as all other Merchantes, Captaines, Maſters, and Officers of Shippes, Sailors, Marriners, and all other our loving Subjectes whatſoever, that they ſhall in no ſort aid or abett, nor comfort him the ſaid *North*, nor any of his Complices, with any Supply of Shippinge, Men, Money, Munytion, Victualls, Merchandize, or other Commodities or Neceſſaries whatſoever, but that as well all and everie our Admiralls, Vice-Admiralls, and other our Officers and Commaunders of our Shipps or Pinnaces, as all other Captaines and Maſters of any of our Subjects Shippes and Veſſells whatſoever, that ſhall happen to meet with him the ſaid *North*, or any of his Company at Sea, or in any Harbour, Port, or Creeke whatſoever, ſhall in our Name attach, ſeize, and ſummon him or them, and their Shipping, to retorne immediately Home, and ſhall forthwith bring them back to ſome of our Portes of this our Kingdom, and there comit them and their Shippes to the Charg of ſuch our Officers as it ſhall reſpectively appertaine unto, until We having received information of their ſuch Retorne, which We will expect from our ſaid Officers who ſhal ſo ſtand incharged

charged with them, ſhall give further Order concerning them, as well their Perſons as their Shipping and Munytion, wherein we do expreſsly charge and commaund, as well him the ſaid *North*, and all his Company, Abettors and Adherentes, and all the Reſt of that Company and Incorporation intended, as all and everie other our Officers by Land and Sea, and all other Captaines, Maſters and Marriners in any of our Subjectes Shippes, and all other our loving Subjectes whatſoever, faithfully, diligently and carefully to obſerve, do, and performe in their ſeveral Qualities and Places, that which we have hereby required of them according to everie of their Duties, Charges, and Imployments, uppon Pain of our high Diſpleaſure and Indignation, and as they will anſwer the contrary at their uttermoſt Perill.

Witneſs our ſelfe at *Weſtminſter*, the Fifteenth Day of May.

A PROCLAMATION *for the Reſtraint of the diſordered Trading of* Tobacco.

[Rymer's Fœd. Tom. 17. Page 233. A. D. 1620.]

WHEREAS We, out of the diſlike we had of the Uſe of Tobacco, tending to a generall and new Corruption both of Men's Bodies and Manners, and yet nevertheles houlding it of the two, more tollerable that the ſame ſhould be ymported amongeſt many other Vanities and Superfluities which came beyond the Seas, then permitted to be planted here within this Realm, thereby to abuſe and miſimploy the Soile of this fruitfull Kingdome; did, by our Proclamation, dated the *thirtieth Day of December nowe laſt paſt*, ſtraightly charg and commaund, all, and euerie Perſon and Perſons, of what Degree or Condition ſoever, that they, or any of them, by themſelves their Servantes, Workemen or Laborers, ſhould not, from and after the *Second Day of February then next following*, preſume to ſowe, ſet, or plant, or cauſe to be ſowen, ſet, or planted, within this our Realme of *England*, and the Dominion of *Wales*, any Sort or Kinde of Tobacco whatſoever, and that they, or any of them, ſhould not maintaine or conteynue any old Stockes or Plantes of Tobacco formerly ſowen or planted, but ſhold forthwith utterly deſtroy and roote up the ſame: And whereas, We have taken it into our Roiall Conſideration, as well the great Waſte and Conſumption of the Wealth of our Kingdomes, as the endangering and impairing of the Health of our Subjectes, by the inordinate Liberty and Abuſe of Tobacco, being a Weed of no neceſſarie Uſe, and but of late Yeares brought into

our

our Dominions; and being credibly informed that divers Tobacconiſts, and other mean Perſons, taking upon them to trade and adventure into the Partes beyond the Seas of Tobacco, to the intent to foreſtall and ingroſs the ſaid Commodity upon unmerchantlike Condition, doe tranſport much Gould, Bullion, and Coyne out of our Kingdomes, and doe barter and vent the Staple Commodities of our Realme, at under Values, to the Intent to buy Tobacco, to the Diſcreditt of our native Merchandizes, and extream inhanſing of the Rates and Prizes of Tobacco, and the great Diſturbance and Decay of the Trade of the orderly and good Merchants; We, taking the above Premiſes into our Princely Conſideration, and being deſirous to put a Remedy to the ſaid Inconveniences, which we have long endevoured, though with leſs Effect then we expected, have reſolved to make ſome further Redreſs by reſtraining the diſordered Traffique in that Commodity, and reduceing it into the Handes of able Perſons, that may manage the ſame without Inconvenience, whereby the generall Abuſe may be taken away, and the neceſſarie Uſe, if any be, may be preſerved; Wee doe therefore, not only by theſe Preſents, ſtraitly charg and commaund, that our ſaid Proclamation reſtraining the Planting of Tobacco, be in euerie Reſpect obſerved and performed, according to the Tenor thereof, upon the Penalties therein contained, but alſo that no Perſon or Perſons whatſoever, Engliſhmen, Denizens, or Strangers, other then ſuch as ſhal be authorized and appointed thereunto by Letters-patents, under our Great Seal of *England*, doe import, or cauſe to be imported, into this our Realme of *England*, or Dominion of *Wales*, or any Part of them, or either of them, any Tobacco, of what Nature, Kinde, or Sorte, ſoever, after the *tenth Day of July next enſueing the Date hereof*, from any the Partes beyond the Seas, upon Paine of Forfeiture to Us, of all ſuch Tobacco ſoe to be imported contrarie to the true Meaneing of theis Preſents, and upon ſuch further Paines and Penalties, as by the Laws and Statutes of this Realme, or by the Severity or Cenſure of our Court of Starrchamber, may be inflicted upon the Offendors for Contempt of this our Royall Commaunde: And likewiſe, that no Maſter, Merchant, or Purſer of any Shipp, or other Veſſell, do at any tyme or tymes, after the ſaid *tenth Day of July*, preſume or attempt to take into their Ships, to be imported into this Realme and Domynion, or either of them, any Sort, Manner, or Quantity of Tobacco whatſoever, but only to the Uſe of ſuch Perſon or Perſons, as ſhall be ſo as aforeſaid, authorized and appointed under our Great Seal of *England*, to import the ſame, and which ſhall be by them, their Deputies, Servants, or Factors deliuered to the ſaid Maſters, Merchants, or Purſers of Ships, to be imported, upon the Paines and Penalties aforeſaid. And, to the Intent that no ſuch Offender maie colour or hide his Offence and Contempt, by ſhadowing the Tobacco to be brought in, contrarie to our Pleaſure before expreſſed, under Pretence of former Store, we do hereby ſignify and declare our Will and Pleaſure, and do ſtraitly charge and commaund, that all and euerie

Perſon

Perſon and Perſons, which now haue, or hereafter ſhall haue, within, or nere the Cities of *London* or *Weſtminſter*, in their Hands, Cuſtody, or Poſſeſſion, any Tobacco heretofore imported, or hereafter, and before the ſaid *tenth Day of July* now next enſuing, to be imported into this Realme, amounting to the Quantity of Tenn Poundes Weight, or above, ſhall, before the ſaid *tenth Daie of July* now next enſuing, bring the ſame unto the Houſe commonly called the Hawke and Feaſant, ſictuate in Cornehill, in the ſaid City of *London*, and ſhall cauſe the ſame to be there ſealed and marked by ſuch Perſon and Perſons, and with ſuch Marke or Seale, as by Us, ſhall be for that Purpoſe aſſigned and appoynted, without giving any Fee or Allowance, for the ſaid Seal or Mark. And to the Intent that the Tobacco to be hereafter imported, by Warrantt or Authority under our Great Seal, maie be known and and diſtinguiſhed, from ſuch as ſhall be ſecretly and without Warrant brought in by Stealth, we do likewiſe charg and commaund, that all ſuch Tobacco as from and after the ſaid *tenth Day of July*, ſhal be imported by Force of any ſuch Warrant and Authority, and none other except the old Store aforeſaid, to be ſealed as aforeſaid, ſhall be ſealed and marked, with ſuch Seal and Mark as aforeſaid, and we do hereby prohibit all Perſon and Perſons, from, and after the ſaid *tenth Day of July*, to buy, utter, ſell, or vent, within the ſaid Kingdome and Domynion, or either of them, any Roll, or other groſs Quantitie of Tobacco whatſoever, before the ſame be ſo as aforeſaid marked or ſealed, upon Pain of Forfeiture unto Us, of all ſuch Tobacco ſo bought, uttered, ſould, or vented, contrarie to the Intent of theis Preſents, and upon ſuch further Penalties, as by our Lawes, or by the Court of Starrchamber, may be inflicted upon the Offendors as Contemners of our Royall Comand. And, for the better Execution of this our Pleaſure, we do hereby commaund all and ſinguler Cuſtomers, Comptrollers, Searchers, Waiters, and other Officers attending in all and euerie the Portes, Creekes, or Places of lading or unlading, for the takeing, collecting, or receiving of any our Cuſtomes, Subſidies, or other Dutyes, to take notice of this our Pleaſure; and we do hereby comaund and give Power and Authoritie unto them, and euerie, or any of them, from Tyme to Tyme, as well to ſearch any Shipp, or other Veſſell, or Bottom riding or lying within any Port, Haven, or Creeke, within their ſeveral Charg and Place of Attendance, for all Tobacco imported contrarie to the Intent of this our Proclamation, and the ſame being found, to ſeize and take to our Uſe, as alſo to take Notice of the Names, and apprehend the Bringers and Buyers of the ſame, to the End, they may receive condign Puniſhment for their Offences, upon Pain that euerie of the ſaid Officers, which ſhall be found negligent, remiſſe, or corrupt therein, ſhall looſe his Place and Entertainment, and undergo ſuch Pains and Penalties, as by our Lawes, or the Cenſure of our ſaid Court of Starchamber, maie be inflicted upon them for the ſame. And likewiſe we do hereby will, ordaine, and appoint, that it ſhall, and may be lawfull,

to,

to, and for ſuch Perſon and Perſons, as ſhall be ſo as aforeſaid authorized and appointed, by Letters-patents, under our Great Seal, to import Tobacco, by himſelf, or themſelves, or his, or their Deputy or Deputies, with a lawfull Officer, to enter into any ſuſpected Places, at lawfull and convenient tymes, and there ſearch, diſcover, and fynd out, any Tobacco imported, uttered, ſould, or vented, not marked or ſealed as aforeſaid, contrarie to the meaning hereof and all ſuch Tobacco ſoe found, to ſeize, take away, and diſpoſe of, and the Owner thereof, or in whoſe Cuſtodie the ſame ſhall be found, to informe and complain of, to the End they may receave Puniſhment according to our Pleaſure before herein declared. And further, We do by theis Preſents, will and require, all, and ſingular Majors, Sheriffes, Juſtices of of Peace, Bailiffes, Conſtables, Headboroughes, Cuſtomers, Comptrollers, Searchers, Waiters, and all other our Officers and Miniſters whatſoever, that they, and euerie of them, in their ſeverall Places and Offices, be diligent and attendant in the the Execution of this our Proclamation, and aiding and aſſiſting unto ſuch Perſon and Perſons, and his, and their Deputies and Aſſignes, as we ſhall ſo as aforeſaid authorize and appoint to import Tobacco, as well in Search for Diſcoverie of any Act or Actes to be performed contrarie to the Intent of theis Preſents, as otherwiſe in the doing or executing of any Matter or Thing, for the Accompliſhment of this our Roiall Comaund. And laſtly, our Will and Pleaſure is, and we do hereby charg and comaund our Attorney Generall for the Tyme being, to informe againſt ſuch Perſons, in our Court of Starchamber from Tyme to Tyme, whoſe Contempt and Diſobedience againſt this our Roiall Comaund, ſhall meritt the Cenſure of that Court.

Witneſs our ſelfe at *Greenewich*, the nyne and twentieth Day of *June*.

LETTER *from the Rev. Mr.* JOHN ROBINSON, *to thoſe of his Congregation who ſailed for* America, *upon parting with them.*

[New-England's Memorial, Edit. 1669. P. 6. A. D. 1620.]

LOVING CHRISTIAN FRIENDS, I do heartily, and in the Lord ſalute you, as being thoſe with whom I am preſent in my beſt Affections, and moſt earneſt Longings after you, though I be conſtrained for awhile to be bodily abſent from

from you: I ſay, conſtrained; God knowing how willingly and much rather than otherwiſe, I would have born my Part with you in this firſt Brunt, were I not by ſtrong Neceſſity held back for the preſent. Make Account of me in the mean Time, as a Man divided in myſelf, with great Pain, and (as natural Bonds ſet aſide) having my better part with you: And although I doubt not, but in your Godly Wiſdomes, you both foreſee and reſolve upon that which concerneth your preſent State and Condition, both ſeverally and jointly; yet I thought it but my Duty to adde ſome further Spur of Provocation unto them who run already, if not becauſe you need it, yet becauſe I owe it in Love and Duty. And firſt, as we are daily to renew our Repentance with our God, eſpecially for our Sins known, and generally for our unknown Treſpaſſes: ſo doth the Lord call us in a ſingular manner, upon Occaſions of ſuch Difficulty and Danger as lieth upon you, to a both narrow Search, and careful Reformation of your Wayes in his Sight, leſt he calling to Remembrance our Sins forgotten by us, or unrepented of, take Advantage againſt us, and in Judgement leave us to be ſwallowed up in one Danger or other: whereas on the contrary Sin being taken away by earneſt Repentance, and the Pardon thereof from the Lord ſealed up to a Man's Conſcience by his Spirit, great ſhall be his Security and Peace in all Dangers, ſweet his Comforts in all Diſtreſſes, with happy Deliverance from all Evil, whether in Life or Death. Now next after this heavenly Peace with God and our own Conſciences, we are carefully to provide for Peace with all Men, what in us lieth, eſpecially with our Aſſociates; and for that, Watchfulneſs muſt be had that we neither at all in our ſelves do give, no nor eaſily take, Offence being given by others. *Woe be to the World for Offences;* for although it be neceſſary, conſidering the Malice of Satan, and Man's Corruption, *that Offences come*, yet, *Woe unto the Man*, or Woman either, *by whom the Offence cometh*, ſaith Chriſt, *Matt.* xviii. 7. and if Offences in the unſeaſonable Uſe of Things in themſelves indifferent, be more to be feared than Death itſelf, as the Apoſtle teacheth, 1 *Cor.* ix. 15. how much more in Things ſimply Evil, in which neither Honour of God, nor Love of Man, is thought worthy to be regarded; neither yet is it ſufficient that we keep ourſelves by the Grace of God from giving of Offence, except withall we be armed againſt the taking of them when they are given by others; for how imperfect and lame is the Work of Grace in that Perſon, who wants Charity *to cover a Multitude of Offences?* as the Scripture ſpeaks. Neither are you to be exhorted to this Grace onely upon the common Grounds of Chriſtianity, which are, that Perſons ready to take Offence, either want Charity to cover Offences, or Wiſdome duly to weigh humane Frailties; or laſtly, are groſs though cloſe Hypocrites, as Chriſt our Lord teacheth, *Matt.* vii. 1, 2, 3. as indeed in my own Experience, few or none have been found which ſooner give Offence, than ſuch as eaſily take it; neither have they ever proved ſound and profitable Members in Societies, who have nouriſhed this *touchy Humour*. But be-

ſides theſe, there are divers Motives provoking you above others to great Care and Conſcience this way; as firſt, there are many of Strangers as to the Perſons, ſo to the Infirmities one of another, and ſo ſtand in Need of Watchfulneſs this way, leſt when ſuch things fall out in Men and Women as you expected not, you be inordinately affected with them, which doth require at your hands much Wiſdome and Charity for the covering and preventing of incident Offences that way. And laſtly, your intended Courſe of Civil Community will miniſter continual Occaſion of Offence, and will be as Fewel for that Fire, except you diligently quench it with *brotherly Forbearance*: And if taking offence cauſeleſsly or eaſily at Men's Doings, be ſo carefully to be avoided, how much more heed is to be taken, that we take not Offence at God himſelf? Which yet we certainly do, ſo oft as we do murmure at his Providence in our Croſſes, or bear impatiently ſuch Afflictions, as wherewith he is pleaſed to viſit us. Store up therefore Patience againſt the evil day; without which we take Offence at the Lord himſelf, in his holy and juſt Works. A fourth Thing there is carefully to be provided for; *viz.* That with your common Imployments, you join common Affections, truly bent upon the General Good, avoiding as a deadly Plague of your both common and ſpecial Comforts, all Retiredneſs of Minde for proper Advantage; and all ſingularly affected every Manner of Way, let every Man repreſs in himſelf, and the whole Body in each Perſon, as ſo many Rebels againſt the common Good, all *private Reſpects of Mens ſelves*, not ſorting with the general Convenience. And as Men are careful not to have a new Houſe ſhaken with any Violence, before it be well ſettled, and the Parts firmly knit; ſo be you, I beſeech you, Brethren, much more careful that the Houſe of God, (which you are, and are to be) be not ſhaken with unneceſſary Novelties, or other Oppoſitions, at the firſt ſettling thereof.

Laſtly, Whereas you are to become a Body Politick, uſing amongſt yourſelves Civil Government, and are not furniſhed with Perſons of ſpecial Eminency above the Reſt, to be choſen by you into Office of Government; Let your Wiſdome and Godlineſs appear not onely in chooſing ſuch Perſons as do intirely love, and will promote the common Good; but alſo in yielding unto them all due Honour and Obedience in their lawful Adminiſtrations, not beholding in them the Ordinarineſs of their Perſons, but God's Ordinance for your Good: not being like the fooliſh Multitude, who more honour the gay Coat, than either the virtuous Minde of the Man, or the glorious Ordinance of the Lord: but you know better Things, and that the Image of the Lord's Power and Authority which the Magiſtrate beareth is honourable, in how mean Perſons ſoever; and this Duty you may the more willingly, and ought the more conſcionably to perform, becauſe you are (at leaſt for the preſent) to have them for your ordinary Governours, which yourſelves ſhall make choice of for that Work.

Sundry

Sundry Things of Importance I could put you in Mind of, and of thoſe before mentioned in more Words; but I will not ſo far wrong your Godly Mindes, as to think you heedleſs of theſe Things, there being alſo divers amongſt you, ſo well able both to admoniſh themſelves and others of what concerneth them. Theſe few Things therefore, and the ſame in few Words, I do earneſtly commend unto your Care and Conſcience, joyning therewith, my daily and inceſſant Prayers unto the Lord, That He who hath made the Heavens, and the Earth, and Sea, and all Rivers of Waters, and whoſe Providence is over all his Works, eſpecially over all his dear Children for Good, would ſo guide and guard you in your Wayes, as inwardly by his Spirit, ſo outwardly by the Hand of his Power, as that both you, and we alſo for and with you, may have after-matter of praiſing his Name all the Dayes of your and our Lives. Fare you well in Him in whom you truſt, and in whom I reſt.

An unfeigned Well-wiſher of your happy Succeſs in this hopeful Voyage,

JOHN ROBINSON.

ORDER OF COUNCIL, *for a Patent for* NORTH VIRGINIA.

To Sir Thomas Coventry, *Knight, his Majeſties Solicitor Generall.*

[Second Part, Gorges Hiſt. of America, Edit. 1658, Page 21.]

WHEREAS it is thought fit, that a Patent of Incorporation be granted to the Adventurers of the Northern Colonie in *Virginia*, to containe the like Liberties, Priviledges, Power, Authorities, Lands, and all other Things within their Limits, *(viz.)* between the Degrees of 40 and 48, as were heretofore granted to the Company in *Virginia*, excepting onely, that whereas the ſaid Company have a Freedom of Cuſtome and Subſidie for 21 Yeares, and of Impoſitions for ever, this New Company is to be free of Cuſtome and Subſidie for the like Term of Yeares, and of Impoſitions after ſo long a Time as his Majeſty ſhall pleaſe to grant unto them; this ſhall be therefore to will and require you to prepare a Patent for his Majeſties Royall Signature to the Purpoſe aforeſaid, leaving a Blank for the Time of Freedome from Impoſition to be ſupplyed, and put in by his Majeſty, for which this ſhall be your Warrant, dated 23, July, 1620.

Signed by the
L. Chancellor,
L. Privy Seal,
Earl of Arundell,
Mr. Secretary Calvert,
Maſter of the Rolls,
Lord Digby,
Mr. Comptroler,
Mr. Secretary Naunton,
Maſter of the Wards.

The MEERSTEADS *and* GARDEN-PLOTES *of thoſe which came firſt, layd out.*

[Plym. Col. Records, Lib. A. fol. 1. A.D. 1620.]

The North Side.

The Streete.

The South Side.

Peeter Brown.
John Goodman.
Mr. Brewſter.

High Way.

John Billington.
Mr. Iſaak Allerton.
Francis Cooke.
Edward Winſlow.

Fol. 4. *The Falles of their Groundes which came firſt over in the* Mayfloure, *according as their Lotes were caſt.* 1623.

	Robert Cochman,	1	
	Mr. William Brewſter,	6	
	William Bradford,	3	
	Richard Gardener,	1	
Theſe lye on the South Side of the Brooke to the baywards.	Francis Cooke,	2	The Number of Akers to one.
	George Soule,	1	
	Mr. Iſaak Alerton,	7	
	John Billington,	3	
	Peter Browen,	1	
	Samuel Fuller,	2	
	Joſeph Rogers,	2	

Theſe contain 29 Akers.

Fol. 4. *The Falles of their Grounds, which firſt came over in the* Mayfloure, *according as their Lotes were caſt.* 1623.

	John Howland,	4
Theſe lye onthe South Side of the Brooke to the woodward oppoſite to the former.	Stephen Hobkins,	6
	Edward,	1
	Edward,	1
	Gilbard Winſlow,	1
	Samuell Fuller Juneor,	3

Theſe containe 16 Akers beſids Hobamak's Ground, which lyeth betweene Jo. Howland's and Hobkinſes.

This 5 akers lyeth behind the forte to the little ponde.	William White,	5
	Edward Winſlow,	4
	Richard Warren,	2
Theſe lye one the north Side of the Towne nexte adjoining to their Gardens which came in the *Fortune*.	John Goodman,	
	John Crackſton,	
	John Alden,	
	Marie Hillton,	
	Captin Myles Standiſh,	2
	Francis Eaton,	4
	Henerie Sampſon,	1
	Humillitie Cooper,	1

Fol. 6. *The Fales of their Grounds, which came in the* Fortune, *according as their Lotes were caſt.* 1623.

Theſe lye to the Sea, Eaſtward.

William Hilton,	1
John Winſlow,	1
William Coner,	1
John Adams,	1
William Tench, & John Cannon,	2
Carried over,	6 Akers.

Theſe lye beyond the firſt Brooke, to the Wood, Weſtward.

William Wright, & William Pitt,	2
Robert Hickes,	1
Thomas Prence,	1
Steven Dean,	1
Moyſes Simonſon, & Philipe de la Noye,	2
Edward Bompaſs,	1
Carried over,	8 Akers.

These following lye beyond the 2. Brooke.	
Brought over,	6
Hugh Statie,	1
William Beale, & Thomas Cuſhman,	2
Auſten Nicolas,	1
Widow Foord,	4
14 Akers.	

These lye beyond the firſt Brooke, to the Wood, Weſtward.	
Brought over,	8
Clemente Brigges,	1
James Steward,	1
William Palmer,	2
Jonathan Brewſter,	1
Bennet Morgan,	1
Thomas Flauell (His Son),	2
Thomas Morton,	1
William Baſſite,	2
19 Akers.	

Fol. 10. *The Fales of their Grounds, which came over in the Shipe called the* Anne, *according as they were caſt.* 1623.

James Rande,	1
These following lye beyond the Brooke, to Strawberie-Hill.	
Edmond Flood,	1
Chriſtopher Connant,	1
Francis Cooke,	4
These but againſt the Swampe and Reede Ponde.	
George Moreton, & Experience Michell,	8
Chriſtian Penn,	1
Thomas Morton, junior,	1
William Eilton's Wife & 2 Children,	3
20 Akers.	

These to the Sea, Eaſtward.	
Francis Spragge,	3
Edward Burcher,	2
John Jenings,	5
Goodwife Flauell,	1
Manaſſeh & John Fance,	2
This goeth in with a Corner by the Ponde.	
Alice Bradford,	1
Robert Hickes, his Wife and Children,	4
Brigett Fuller,	1
Ellen Newton,	1
Pacience and Fear Brewſter, with Robert Long,	3
William Heard,	1
Mrs. Standiſh,	1
25 Akers.	

These

Theſe following lye on Towne, towards the other Side of the Eel-River.

Marie Bucket, adjoining to Joſeph Rogers,	1
Mr. Ouldham, and thoſe joined with him,	10
Cudbart Cudbartſon,	6
Anthony Anable,	4
Thomas Tilden,	3
Richard Waren,	6
Bangs,	4
34 Akers.	

Robart Rattliffe, beyond the Swampie and ſtonie Ground,	4

Theſe butt againſt Hobs-Hole.

Nicolas Snow,	1
Anthony Dixe,	2
Mr. Perres—2. Servants,	
Ralfe Walen,	
7 Akers.	

South Side.

Stephen Tracy, three Acres,	3
Tho. Clarke, one Acre,	1
Robert Bartlett, one Acre,	1
5 Acres.	

North Side.

Edw. Holman, 1 Acre,	1
Frances, Wife to William Palmer,	1
Joſuah Prat, & Phineas Prat,	2
4 Acres.	

Sexta decima Pars PATEN. *de Anno Regni Regis* JACOBI, *Angliæ, &c. Decimo Octavo.*

D. Con. Ludovico *Duci* LENOX, *et al. Conſiliar de Plymouth, con. new Colon de* NEWE-ENGLAND, *ſibi et Succeſſorib.*

JAMES, by the Grace of God, King of *England*, *Scotland*, *France*, and *Ireland*, Defender of the Faith, *&c.* to all whom theſe Preſents ſhall come, *Greeting*, Whereas, upon the humble Petition of divers of our well diſpoſed Subjects, that intended to make ſeveral Plantations in the Parts of *America*, between the Degrees of thirty-ffoure and ffourty-five; We according to our princely Inclination, favouring much their worthy Diſpoſition, in Hope thereby to advance the in Largement of Chriſtian Religion, to the Glory of God Almighty, as alſo by that Meanes to ſtreatch out the Bounds of our Dominions, and to repleniſh thoſe Deſerts with People

People governed by Lawes and Magiſtrates, for the peaceable Commerce of all, that in time to come ſhall have occaſion to traffique into thoſe Territoryes, granted unto Sir *Thomas Gates*, Sir *George Somers*, Knights, *Thomas Hamon*, and *Raleigh Gilbert*, Eſquires, and of their Aſſociates, for the more ſpeedy Accompliſhment thereof, by our Letters-Pattent, bearing Date the Tenth Day of Aprill, in the Fourth Year of our Reign of *England*, *France*, and *Ireland*, and of *Scotland* the ffourtieth, free Liberty to divide themſelves into two ſeveral Collonyes; the one called the firſt Collonye, to be undertaken and advanced by certain Knights, Gentlemen, and Merchants, in and about our Cyty of London; the other called the Second Collonye, to be undertaken and advanced by certaine Knights, Gentlemen, and Merchants, and their Aſſociates, in and about our Citties of Briſtoll, Exon, and our Towne of Plymouth, and other Places, as in and by our ſaid Letters-Pattents, amongſt other Things more att large it doth and may appeare. And whereas, ſince that Time, upon the humble Petition of the ſaid Adventurers and Planters of the ſaid firſt Collonye, We have been graciouſly pleaſed to make them one diſtinct and entire Body by themſelves, giving unto them their diſtinct Lymitts and Bounds, and have upon their like humble Requeſt, granted unto them divers Liberties, Priveliges, Enlargements, and Immunityes, as in and by our ſeverall Letters-Patents it doth and may appeare. Now foraſmuch as We have been in like Manner humbly petitioned unto by our truſty and well beloved Servant, Sir *fferdinando Gorges*, Knight, Captain of our ffort and Iſland by Plymouth, and by certain the principal Knights and Gentlemen Adventurers of the ſaid Second Collonye, and by divers other Perſons of Quality, who now intend to be their Aſſociates, divers of which have been at great and extraordinary Charge, and ſuſtained many Loſſes in ſeeking and diſcovering a Place fitt and convenient to lay the Foundation of a hopeful Plantation, and have divers Years paſt by God's Aſſiſtance, and their own Endeavours, taken actual Poſſeſſion of the Continent hereafter mentioned, in our Name and to our Uſe, as Sovereign Lord thereof, and have ſettled already ſome of our People in Places agreeable to their Deſires in thoſe Parts, and in Confidence of proſperous Succeſs therein, by the Continuance of God's Devine Bleſſing, and our Royall Permiſſion, have reſolved in a more plentifull and effectual Manner to proſecute the ſame, and to that Purpoſe and Intent have deſired of Us, for their better Encouragement and Satisfaction herein, and that they may avoide all Confuſion, Queſtions, or Differences between themſelves, and thoſe of the ſaid firſt Collonye, We would likewiſe be graciouſly pleaſed to make certaine Adventurers, intending to erect and eſtabliſh ffiſhery, Trade, and Plantacion, within the Territoryes, Precincts, and Lymitts of the ſaid ſecond Colony, and their Succeſſors, one ſeveral diſtinct and entire Body, and to grant unto them, ſuch Eſtate, Liberties, Priveliges, Enlargements, and Immunityes there, as in theſe our Letters-Pattents hereafter particularly expreſſed and declared. And foraſmuch as We have been certainly

given

given to underſtand by divers of our good Subjects, that have for theſe many Yeares paſt frequented thoſe Coaſts and Territoryes, between the Degrees of Fourty and Fourty-Eight, that there is noe other the Subjects of any Chriſtian King or State, by any Authority from their Soveraignes, Lords, or Princes, actually in Poſſeſſion of any of the ſaid Lands or Precincts, whereby any Right, Claim, Intereſt, or Title, may, might, or ought by that Meanes accrue, belong, or appertaine unto them, or any of them. And alſo for that We have been further given certainly to knowe, that within theſe late Yeares there hath by God's Viſitation raigned a wonderfull Plague, together with many horrible Slaughters, and Murthers, committed amoungſt the Sauages and bruitiſh People there, heertofore inhabiting, in a Manner to the utter Deſtruction, Deuaſtacion, and Depopulacion of that whole Territorye, ſo that there is not left for many Leagues together in a Manner, any that doe claime or challenge any Kind of Intereſts therein, nor any other Superiour Lord or Souveraigne to make Claime thereunto, whereby We in our Judgment are perſuaded and ſatisfied that the appointed Time is come in which Almighty God in his great Goodneſs and Bountie towards Us and our People, hath thought fitt and determined, that thoſe large and goodly Territoryes, deſerted as it were by their naturall Inhabitants, ſhould be poſſeſſed and enjoyed by ſuch of our Subjects and People as heertofore have and hereafter ſhall by his Mercie and Favour, and by his Powerfull Arme, be directed and conducted thither. In Contemplacion and ferious Conſideracion whereof, Wee have thougt it fitt according to our Kingly Duty, ſoe much as in Us lyeth, to ſecond and followe God's ſacred Will, rendering reverend Thanks to his Divine Majeſtie for his gracious favour in laying open and revealing the ſame unto us, before any other Chriſtian Prince or State, by which Meanes without Offence, and as We truſt to his Glory, Wee may with Boldneſs goe on to the ſettling of ſoe hopefull a Work, which tendeth to the reducing and Converſion of ſuch Sauages as remaine wandering in Deſolacion and Diſtreſs, to Civil Societie and Chriſtian Religion, to the Inlargement of our own Dominions, and the Aduancement of the Fortunes of ſuch of our good Subjects as ſhall willingly intreſſe themſelves in the ſaid Imployment, to whom We cannot but give ſingular Commendations for their ſoe worthy Intention and Enterprize; Wee therefore, of our eſpeciall Grace, mere Motion, and certaine Knowledge, by the Aduice of the Lords and others of our Priuy Councell have for Us, our Heyrs and Succeſſors, graunted, ordained, and eſtabliſhed, and in and by theſe Preſents, Do for Us, our Heirs and Succeſſors, grant, ordaine and eſtabliſh, that all that Circuit, Continent, Precincts, and Limitts in America, lying and being in Breadth from Fourty Degrees of Northerly Latitude, from the Equnoctiall Line, to Fourty-eight Degrees of the ſaid Northerly Latitude, and in Length by all the Breadth aforeſaid throughout the Maine Land, from Sea to Sea, with all the Seas, Rivers, Iſlands, Creekes, Inletts, Ports, and Havens, within the Degrees, Precincts, and Limitts of the ſaid Latitude and Longitude,

ſhall be the Limitts, and Bounds, and Precincts of the ſecond Collony: And to the End that the ſaid Territoryes may forever hereafter be more particularly and certainly known and diſtinguiſhed, our Will and Pleaſure is, that the ſame ſhall from henceforth be nominated, termed, and called by the Name of New-England, in America; and by that Name of New-England in America, the ſaid Circuit, Precinct, Limitt, Continent, Iſlands, and Places in America, aforeſaid, We do by theſe Preſents, for Us, our Heyrs and Succeſſors, name, call, erect, found and eſtabliſh, and by that Name to have Continuance for ever. And for the better Plantacion, ruling, and governing of the aforeſaid New-England, in America, We will, ordaine, conſtitute, aſſigne, limitt and appoint, and for Us, our Heyrs and Succeſſors, Wee, by the Advice of the Lords and others of the ſaid priuie Councill, do by theſe Preſents ordaine, conſtitute, limett, and appoint, that from henceforth, there ſhall be for ever hereafter, in our Towne of Plymouth, in the County of Devon, one Body politicque and corporate, which ſhall have perpetuall Succeſſion, which ſhall conſiſt of the Number of fourtie Perſons, and no more, which ſhall be, and ſhall be called and knowne by the Name the Councill eſtabliſhed at Plymouth, in the County of Devon for the planting, ruling, ordering, and governing of New-England, in America; and for that Purpoſe Wee have, at and by the Nomination and Requeſt of the ſaid Petitioners, granted, ordained, eſtabliſhed, and confirmed; and by theſe Preſents, for Us, our Heyres and Succeſſors, doe grant, ordaine, eſtabliſh, and confirme, our right truſty and right well beloved Coſins and Councillors Lodowick, Duke of Lenox, Lord Steward of our Houſhold, George Lord Marqueſs Buckingham, our High Admiral of England, James Marqueſs Hamilton, William Earle of Pembrocke, Lord Chamberlaine of our Houſhold, Thomas Earl of Arundel, and our right truſty and right well beloved Coſin; William Earl of Bathe, and right truſty and right well beloved Coſin and Councellor, Henry Earle of Southampton, and our right truſty and right well beloved Couſins, William Earle of Saliſbury, and Robert Earle of Warwick, and our right truſty and well beloved John Viſcount Haddington, and our right truſty and well beloved Councellor Edward Lord Zouch, Lord Warden of our Cincque Ports, and our truſty and well beloved Edmond Lord Sheffield, Edward Lord Gorges, and our well beloved Sir Edward Seymour, Knight and Barronett, Sir Robert Manſelle, Sir Edward Zouch, our Knight Marſhall, Sir Dudley Diggs, Sir Thomas Roe, Sir fferdinando Gorges, Sir Francis Popham, Sir John Brook, Sir Thomas Gates, Sir Richard Hawkins, Sir Richard Edgcombe, Sir Allen Apſley, Sir Warwick Hale, Sir Richard Catchmay, Sir John Bourchier, Sir Nathaniel Rich, Sir Edward Giles, Sir Giles Mompeſſon, and Sir Thomas Wroth, Knights; and our well beloved Matthew Suttcliffe, Dean of Exeter, Robert Heath, Eſq; Recorder of our Cittie of London, Henry Bourchier, John Drake, Rawleigh Gilbert, George Chudley, Thomas Hamon, and John Argall, Eſquires, to be in and by theſe Preſents; We

do

do appoint them to be the firſt moderne and preſent Councill eſtabliſhed at Plymouth, in the County of Devon, for the planting, ruling, ordering, and governing of New-England, in America; and that they, and the Suruiuours of them, and ſuch as the Suruiuours and Suruiuor of them ſhall, from tyme to tyme elect, and chuſe, to make up the aforeſaid Number of fourtie Perſons, when, and as often as any of them, or any of their Suceſſors ſhall happen to deceaſe, or to be removed from being of the ſaid Councill, ſhall be in, and by theſe Preſents, incorporated to have a perpetual Succeſſion for ever, in Deed, Fact, and Name, and ſhall be one Bodye corporate and politicque; and that thoſe, and ſuch ſaid Perſons, and their Succeſſors, and ſuch as ſhall be elected and choſen to ſucceed them as aforeſaid, ſhall be, and by theſe Peſents are, and be incorporated, named, and called by the Name of the Councill eſtabliſhed at Plymouth, in the County of Devon, for the planting, ruling, and governing of New-England, in America; and them the ſaid Duke of Lenox, Marqueſs Buckingham, Marqueſs Hamilton, Earle of Pembroke, Earle of Arundell, Earle of Bathe, Earle of Southampton, Earle of Saliſbury, Earle of Warwick, Viſcount Haddington, Lord Zouch, Lord Sheffield, Lord Gorges, Sir Edward Seymour, Sir Robert Manſell, Sir Edward Zouch, Sir Dudley Diggs, Sir Thomas Roe, Sir fferdinando Gorges, Sir ffrancis Popham, Sir John Brooks, Sir Thomas Gates, Sir Richard Hawkins, Sir Richard Edgcombe, Sir Allen Apſley, Sir Warwick Heale, Sir Richard Catchmay, Sir John Bourchier, Sir Nathaniell Rich, Sir Edward Giles, Sir Giles Mompeſſon, Sir Thomas Wroth, Knights; Matthew Suttcliffe, Robert Heath, Henry Bourchier, John Drake, Rawleigh Gilbert, George Chudley, Thomas Haymon, and John Argall, Eſqrs. and their Succeſſors, one Body corporate and politick, in Deed and Name, by the Name of the Councell eſtabliſhed att Plymouth, in the County of Devon, for the planting, ruling, and governing of New-England, in America. Wee do by theſe Preſents, for Us, our Heyres and Succeſſors, really and fully incorporate, erect, ordaine, name, conſtitute, and eſtabliſh, and that by the ſame Name of the ſaid Councill, they and their Succeſſors for ever hereafter be incorporated, named, and called, and ſhall by the ſame Name have perpetual Succeſſion. And further, Wee do hereby for Us, our Heires and Succeſſors, grant unto the ſaid Councill eſtabliſhed att Plymouth, that they and their Succeſſors, by the ſame Name, be and ſhall be, and ſhall continue Perſons able and capable in the Law, from time to time, and ſhall by that Name, of Councill aforeſaid, have full Power and Authority, and lawful Capacity and Hability, as well to purchaſe, take, hold, receive, enjoy, and to have, and their Succeſſors for ever, any Manors, Lands, Tenements, Rents, Royalties, Privileges, Immunities, Reverſions, Annuities, Hereditaments, Goods and Chattles whatſoever, of or from Us, our Heirs and Succeſſors, and of or from any other Perſon or Perſons whatſoever, as well in and within this our Realme, of England,

as in and within any other Place or Places whatſoever or whereſoever; and the ſame Manors, Lands, Tenements, and Hereditaments, Goods or Chattles, or any of them, by the ſame Name to alien and ſell, or to do, execute, ordaine and performe all other Matters and Things whatſoever to the ſaid Incorporation and Plantation concerning and belonging. And further, our Will and Pleaſure is, that that the ſaid Councill, for the time being, and their Succeſſors, ſhall have full Power and lawful Authority, by the Name aforeſaid, to ſue, and be ſued; implead, and to be impleaded; anſwer, and to be anſwered, unto all Manner of Courts and Places that now are, or hereafter ſhall be, within this our Realme and elſewhere, as well temporal as ſpiritual, in all Manner of Suits and Matters whatſoever, and of what Nature or Kinde ſoever ſuch Suite or Action be or ſhall be. And our Will and Pleaſure is, that the ſaid ffourty Perſons, or the greater Number of them, ſhall and may, from time to time, and at any time hereafter, at their owne Will and Pleaſure, according to the Laws, Ordinances, and Orders of or by them, or by the greater Part of them, hereafter in Manner and forme in theſe Preſents mentioned, to be agreed upon, to elect and chooſe amongſt themſelves one of the ſaid ffourty Perſons for the Time being, to be Preſident of the ſaid Councill, which Preſident ſoe elected and choſen, Wee will, ſhall continue and be Preſident of the ſaid Councill for ſo long a Time as by the Orders of the ſaid Councill, from time to time to be made, as hereafter is mentioned, ſhall be thought fitt, and no longer; unto which Preſident, or in his Abſence, to any ſuch Perſon as by the Order of the ſaid Councill ſhall be thereunto appointed, Wee do give Authority to give Order for the warning of the ſaid Council, and ſummoning the Company to their Meetings. And our Will and Pleaſure is, that from time to time, when and ſo often as any of the Councill ſhall happen to deceaſe, or to be removed from being of the ſaid Councell, that then, and ſo often, the Survivors of them the ſaid Councill, and no other, or the greater Number of them, who then ſhall be from time to time left remaininge, and who ſhall, or the greater Number of which that ſhall be aſſembled at a public Court or Meeting to be held for the ſaid Company, ſhall elect and chooſe one or more other Perſon or Perſons to be of the ſaid Councill, and which from time to time ſhall be of the ſaid Councill, ſo that the Number of ffourty Perſons of the ſaid Councill may from time to time be ſupplied: Provided always that as well the Perſons herein named to be of the ſaid Councill, as every other Councellor hereafter to be elected, ſhall be preſented to the Lord Chancellor of England, or to the Lord High Treaſurer of England, or to the Lord Chamberlaine of the Houſehold of Us, our Heires and Succeſſors for the Time being, to take his and their Oath and Oathes of a Councellor and Councellors to Us, our Heirs and Succeſſors, for the ſaid Company and Collonye in New-England. And further, Wee will and grant by theſe Preſents, for Us, our Heires and Succeſſors, unto the ſaid Councill and their Succeſſors, that they

they and their Succeſſors ſhall have and enjoy for ever a Common Seale, to be engraven according to their Diſcretions; and that it ſhall be lawfull for them to appoint whatever Seale or Seales, they ſhall think moſt meete and neceſſary, either for their Uſes, as they are one united Body incorporate here, or for the publick of their Gouvernour and Miniſters of New-England aforeſaid, whereby the Incorporation may or ſhall ſeale any Manner of Inſtrument touching the ſame Corporation, and the Manors, Lands, Tenements, Rents, Reverſions, Annuities, Hereditaments, Goods, Chattles, Affaires, and any other Things belonging unto, or in any wiſe appertainge, touching, or concerning the ſaid Councill and their Succeſſors, or concerning the ſaid Corporation and Plantation in and by theſe our Letters-Patents as aforeſaid founded, erected, and eſtabliſhed. And Wee do further by theſe Preſents, for Us, our Heires and Succeſſors, grant unto the ſaid Councill and their Succeſſors, that it ſhall and may be lawfull to and for the ſaid Councill, and their Succeſſors for the Time being, in their diſcretions, from time to time to admitt ſuch and ſo many Perſon and Perſons to be made free and enabled to trade traffick unto, within, and in New-England aforeſaid, and unto every Part and Parcell thereof, or to have, poſſeſs, or enjoy, any Lands or Hereditaments in New-England aforeſaid, as they ſhall think fitt, according to the Laws, Orders, Conſtitutions, and Ordinances, by the ſaid Councill and their Succeſſors from time to time to be made and eſtabliſhed by Virtue of, and according to the true Intent of theſe Preſents, and under ſuch Conditions, Reſervations, and agreements as the ſaid Councill ſhall ſet downe, order and direct, and not otherwiſe. And further, of our eſpeciall Grace, certaine Knowlege, and mere Motion, for Us, our Heires and Succeſſors, Wee do by theſe Preſents give and grant full Power and Authority to the ſaid Councill and their Succeſſors, that the ſaid Councill for the Time being, or the greater Part of them, ſhall and may, from time to time, nominate, make, conſtitute, ordaine, and confirme by ſuch Name or Names, Sale or Sales, as to them ſhall ſeeme Good; and likewiſe to revoke, diſdiſcharge, change, and alter, as well all and ſingular, Governors, Officers, and Miniſters, which hereafter ſhall be by them thought fitt and needful to be made or uſed, as well to attend the Buſineſs of the ſaid Company here, as for the Government of the ſaid Collony and Plantation, and alſo to make, ordaine, and eſtabliſh all Manner of Orders, Laws, Directions, Inſtructions, Forms, and Ceremonies of Government and Magiſtracy fitt and neceſſary for and concerning the Government of the ſaid Collony and Plantation, ſo always as the ſame be not contrary to the Laws and Statutes of this our Realme of England, and the ſame att all Times hereafter to abrogate, revoke, or change, not only within the Precincts of the ſaid Collony, but alſo upon the Seas in going and coming to and from the ſaid Collony, as they in their good Diſcretions ſhall thinke to be fitteſt for the good of the Adventurers and Inhabitants there. And Wee do further of our eſpeciall Grace, certaine Knowledge, and mere Motion, grant, declare, and ordain, that ſuch principall Governor, as from time to time

time ſhall be authorized and appointed in Manner and Forme in theſe Preſents heretofore expreſſed, ſhall haue full Power and Authority to uſe and exerciſe martiall Laws in Caſe of Rebellion, Inſurrection and Mutiny, in as large and ample Manner as our Lieutenants in our Counties within our Realme of England have or ought to have by Force of their Commiſſion of Lieutenancy. And for as much as it ſhall be neceſſary for all our lovinge Subjects as ſhall inhabit within the ſaid Precincts of New-England aforeſaid, to determine to live together in the Feare and true Worſhip of Allmighty God, Chriſtian Peace, and civil Quietneſs, each with other, whereby every one may with more Safety, Pleaſure, and Profitt, enjoye that whereunto they ſhall attaine with great Pain and Perill, Wee, for Us, our Heires and Succeſſors, are likewiſe pleaſed and contented, and by theſe Preſents do give and grant unto the ſaid Council and their Succeſſors, and to ſuch Governors, Officers, and Miniſters, as ſhall be by the ſaid Councill conſtituted and appointed according to the Natures and Limitts of their Offices and Places reſpectively, that they ſhall and may, from time to time for ever heerafter, within the ſaid Precincts of New-England, or in the Way by the Seas thither, and from thence have full and abſolute Power and Authority to correct, puniſh, pardon, governe, and rule all ſuch the Subjects of Us, our Heires and Succeſſors, as ſhall from time to time adventure themſelves in any Voyage thither, or that ſhall att any Time heerafter inhabit in the Precincts or Territories of the ſaid Collony as aforeſaid, according to ſuch Laws, Orders, Ordinances, Directions, and Inſtructions as by the ſaid Councill aforeſaid ſhall be eſtabliſhed; and in Defect thereof, in Caſes of Neceſſity, according to the good Diſcretions of the ſaid Governors and Officers reſpectively, as well in Caſes capitall and criminall, as civill, both marine and others, ſo allways as the ſaid Statutes, Ordinances, and Proceedings, as near as conveniently may be, agreeable to the Laws, Statutes, Government and Policie of this our Realme of England. And furthermore, if any Perſon or Perſons, Adventurers or Planters of the ſaid Collony, or any other, att any Time or Times heereafter, ſhall tranſport any Moneys, Goods, or Merchandizes, out of any of our Kingdoms, with a Pretence or Purpoſe to land, ſell, or otherwiſe diſpoſe of the ſame within the Limitts and Bounds of the ſaid Collony, and yet nevertheleſs being att Sea, or after he hath landed within any Part of the ſaid Collony ſhall carry the ſame into any other fforaigne Country with a Purpoſe there to ſell and diſpoſe thereof, that then all the Goods and Chattles of the ſaid Perſon or Perſons ſo offending and tranſported, together with the Ship or Veſſell wherein ſuch Tranſportation was made, ſhall be forfeited to Us, our Heires and Succeſſors. And Wee do further of our eſpeciall Grace, certaine Knowledge, and meere Motion for Us, our Heirs and Succeſſors for and in Reſpect of the Conſiderations aforeſaid, and for divers other good Conſiderations and Cauſes, us thereunto eſpecially moving, and by the Advice of the Lords and Others of our ſaid Privy Councill have abſolutely giuen, granted, and confirmed,

ed, and do by theſe Preſents abſolutely give, grant, and confirm unto the ſaid Councill, called the Councell eſtabliſhed att Plymouth in the County of Devon for the planting, ruling, and governing of New-England in America, and unto their Succeſſors for ever, all the aforeſaid Lands and Grounds, Continent, Precinct, Place, Places and Territoryes, viz. that aforeſad Part of America, lying, and being in Breadth from ffourty Degrees of Northerly Latitude from the Equinoctiall Line, to ffourty-eight Degrees of the ſaid Northerly Latitude incluſively, and in Length of, and within all the Breadth aforeſaid, througout all the Maine Lands from Sea to Sea, together alſo, with the Firme Lands, Soyles, Grounds, Havens, Ports, Rivers, Waters, Fiſhings, Mines, and Mineralls, as well Royall Mines of Gold and Silver, as other Mine and Mineralls, precious Stones, Quarries, and all, and ſingular other Comodities, Juriſdictions, Royalties, Priveliges, Franchiſes, and Preheminences, both within the ſame Tract of Land upon the Maine, and alſo within the ſaid Iſlands and Seas adjoining: Provided always, that the ſaid Iſlands, or any of the Premiſes herein before mentioned, and by theſe Preſents intended and meant to be granted, be not actually poſſeſſed or inhabited by any other Chriſtian Prince or Eſtate, nor be within the Bounds, Limitts, or Territoryes, of that Southern Collony heretofore by us granted to be planted by diverſe of our loving Subjects in the South Part, to have and to hold, poſſeſs and enjoy, all, and ſingular, the aforeſaid Continent, Lands, Territoryes, Iſlands, Hereditaments and Precincts, Sea Waters, Fiſhings, with all, and all Manner their Commodities, Royalties, Liberties, Preheminences, and Profitts, that ſhall ariſe from thence, with all and ſingular, their Appertenances, and every Part and Parcell thereof, and of them, to and unto the ſaid Councell and their Succeſſors and Aſſignes for ever, to the ſole only and proper Uſe, Benefit, and Behooffe of them the ſaid Council and their Succeſſors and Aſſignes for ever, to be holden of Us, our Heires, and Succeſſors, as of our Manor of Eaſt-Greenwich, in our County of Kent, in free and comon Soccage and not in Capite, nor by Knight's Service; yielding and paying therefore to Us, our Heires, our Succeſſors, the fifth Part, of the Ore of Gold and Silver, which from time to time, and att all times heereafter, ſhall happen to be found, gotten, had, and obtained, in or within any the ſaid Lands, Limitts, Territoryes, and Precincts, or in or within any Part or Parcell thereof, for, or in Reſpect of all, and all Manner of Dutys, Demands, and Services whatſoever, to be done, made, or paid to Us, our Heires, and Succeſſors. And Wee do further of our eſpeciall Grace, certaine Knowledge, and meere Motion, for Us, and our Heires, and Succeſſors, give and grant to the ſaid Councell, and their Succeſſors for ever by theſe Preſents, that it ſhall be lawfull and free for them and their Aſſignes, att all and every time and times hereafter, out of our Realmes or Dominions whatſoever, to take, load, carry, and tranſport in, and into their Voyages, and for, and towards the ſaid Plantation in New-England, all

ſuch

ſuch, and ſo many of our loveing Subjects, or any other Strangers that will become our loving Subjects, and live under our Allegiance, as ſhall willingly accompany them in the ſaid Voyages and Plantation, with Shipping, Armour, Weapons, Ordinance, Munition, Powder, Shott, Victuals, and all Manner of Cloathing, Implements, Furniture, Beaſts, Cattle, Horſes, Mares, and all other Things neceſſary for the ſaid Plantation, and for their Uſe and Defence, and for Trade with the People there, and in paſſing and returning to and fro, without paying or yeilding, any Cuſtom or Subſidie either inward or outward, to Us, our Heires, or Succeſſors, for the ſame, for the Space of ſeven Years, from the Day of the Date of theſe Preſents, provided, that none of the ſaid Perſons be ſuch as ſhall be hereafter by ſpecial Name reſtrained by Us, our Heire, or Succeſſors. And for their further Encouragement, of our eſpeciall Grace and Favor, Wee do by theſe Preſents for Us, our Heires, and Succeſſors, yield and grant, to and with the ſaid Councill and their Succeſſors, and every of them, their Factors and Aſſignes, that they and every of them, ſhall be free and quitt from all Subſidies and Cuſtomes in New-England for the Space of ſeven Years, and from all Taxes and Impoſitions for the Space of twenty and one Yeares, upon all Goods and Merchandizes att any time or times hereafter, either upon Importation thither, or Exportation from thence into our Realme of England, or into any our Dominions by the ſaid Councill and their Succeſſors, their Deputies, ffactors, and Aſſignes, or any of them, except only the five Pounds *per Cent.* due for Cuſtome upon all ſuch Goods and Merchandizes, as ſhall be brot and imported into our Realme of England, or any other of our Dominions, according to the ancient Trade of Marchants ; which five Pounds *per Cent.* only being paid, it ſhall be thenceforth lawful and free for the ſaid Adventurers, the ſame Goods and Merchandize to export and carry out of our ſaid Dominions into fforraigne Parts, without any Cuſtom, Tax, or other Duty to be paid to Us, our Heires, or Succeſſors, or to any other Officers or Miniſters of Us, our Heires, or Succeſſors ; provided, that the ſaid Goods and Merchandizes be ſhipped out within thirteene Months after theire firſt Landing within any Part of theſe Dominions. And further our Will and Pleaſure is, and Wee do by theſe Preſents charge, comand, warrant, and authorize the ſaid Councill, and their Succeſſors, or the major Part of them, which ſhall be preſent and aſſembled for that Purpoſe, ſhall from time to time under their comon Seale, diſtribute, convey, aſſigne, and ſett over, ſuch particular Portions of Lands, Tenements, and Hereditaments, as are by theſe Preſents, formerly granted unto each our loveing Subjects, naturally borne or Deniſons, or others, as well Adventurers as Planters, as by the ſaid Company upon a Comiſſion of Survey and Diſtribution, executed and returned for that Purpoſe, ſhall be named, appointed, and allowed, wherein our Will and Pleaſure is, that Reſpect be had as well to the Proportion of the Adventurers, as to the ſpeciall Service, Hazard, Exploit, or Meritt of any Perſon ſo to be recompenſed,

penſed, advanced, or rewarded, and wee do alſo, for Us, our Heires, and Succeſſors, grant to the ſaid Councell and their Succeſſors and to all and every ſuch Governours, or Officers, or Miniſters, as by the ſaid Councill ſhall be appointed to have Power and Authority of Government and Command in and over the ſaid Collony and Plantation, that they and every of them, ſhall, and lawfully may, from time to time, and att all Times hereafter for ever, for their ſeverall Defence and Safety, encounter, expulſe, repel, and reſiſt by Force of Arms, as well by Sea as by Land, and all Ways and Meanes whatſoever, all ſuch Perſon and Perſons, as without the ſpeciall Licence of the ſaid Councell and their Succeſſors, or the greater Part of them, ſhall attempt to inhabitt within the ſaid ſeverall Precincts and Limitts of the ſaid Collony and Plantation. And alſo all, and every ſuch Perſon or Perſons whatſoever, as ſhall enterprize or attempt att any time hereafter Deſtruction, Invaſion, Detriment, or Annoyance to the ſaid Collony and Plantation; and that it ſhall be lawfull for the ſaid Councill, and their Succeſſors, and every of them, from Time to Time, and att all Times heereafter, and they ſhall have full Power and Authority, to take and ſurprize by all Ways and Meanes whatſoever, all and every ſuch Perſon and Perſons whatſoever, with their Ships, Goods, and other Furniture, trafficking in any Harbour, Creeke, or Place, within the Limitts and Precintes of the ſaid Collony and Plantation, and not being allowed by the ſaid Councill to be Adventurers or Planters of the ſaid Collony. And of our further Royall Favor, Wee have granted, and for Us, our Heires, and Succeſſors, Wee do grant unto the ſaid Councill and their Succeſſors, that the ſaid Territoryes, Lands, Rivers, and Places aforeſaid, or any of them, ſhall not be viſited, frequented, or traded unto, by any other of our Subjects, or the Subjects of Us, our Heires, or Succeſſors, either from any the Ports and Havens belonging or appertayning, or which ſhall belong or appertayne unto Us, our Heires, or Succeſſors, or to any forraigne State, Prince, or Pottentate whatſoever: And therefore, Wee do hereby for Us, our Heires, and Succeſſors, charge, command, prohibit and forbid all the Subjects of Us, our Heires, and Succeſſors, of what Degree and Quality ſoever, they be, that none of them, directly, or indirectly, preſume to viſſitt, frequent, trade, or adventure to traffick into, or from the ſaid Territoryes, Lands, Rivers, and Places aforeſaid, or any of them other than the ſaid Councill and their Succeſſors, ffactors, Deputys, and Aſſignes, unleſs it be with the Licenſe and Conſent of the ſaid Councill and Company firſt had and obtained in Writing, under the comon Seal, upon Pain of our Indignation and Impriſonment of their Bodys during the Pleaſure of Us, our Heires or Succeſſors, and the Forfeiture and Loſs both of theire Ships and Goods, whereſoever they ſhall be found either within any of our Kingdomes or Dominions, or any other Place or Places out of our Dominions. And for the better effecting of our ſaid Pleaſure heerin, Wee do heereby for Us, our Heires and Succeſſors, give and grant full Power and Authority unto the ſaid Councill, and their Succeſſors for the time being,

that they by themſelves, their Factors, Deputyes, or Aſſignes, ſhall and may from time to time, and at all times heereafter, attach, arreſt, take, and ſeize all and all Manner of Ship and Ships, Goods, Wares, and Merchandizes whatſoever, which ſhall be bro't from or carried to the Places before mentioned, or any of them, contrary to our Will and Pleaſure, before in theſe Preſents expreſſed. The Moyety or one halfe of all which Forfeitures Wee do hereby for Us, our Heires and Succeſſors, give and grant unto the ſaid Councill, and their Succeſſors to their own proper Uſe without Accompt, and the other Moyety, or halfe Part thereof, Wee will ſhall be and remaine to the Uſe of Us, our Heires and Succeſſors. And we likewiſe have condiſcended and granted, and by theſe Preſents, for Us, our Heires and Succeſſors, do condiſcend, and grant to and with the ſaid Councill and their Succeſſors, that Wee, our Heires or Succeſſors, ſhall not or will not give and grant any Lybertye, Licenſe, or Authority to any Perſon or Perſons whatſoever, to ſaile, trade, or trafficke unto the aforeſaid parts of New-England, without the good Will and Likinge of the ſaid Councill, or the greater Part of them for the Time beinge, att any their Courts to be aſſembled. And Wee do for Us, our Heires and Succeſſors, give and grant unto the ſaid Councill, and their Succeſſors, that whenſoever, or ſo often as any Cuſtome or Subſidie ſhall growe due or payable unto Us, our Heires or Succeſſors, according to the Limitation and Appointment aforeſaid, by Reaſon of any Goods, Wares, Merchandizes, to be ſhipped out, or any Returne to be made of any Goods, Wares, or Merchandizes, unto or from New-England, or any the Lands Territoryes aforeſaid, that then ſo often, and in ſuch Caſe the ffarmers, Cuſtomers, and Officers of our Cuſtomes of England and Ireland, and every of them, for the Time being, upon Requeſt made unto them by the ſaid Councill, their Succeſſors, ffactors, or Aſſignes, and upon convenient Security to be given in that Behalfe, ſhall give and allowe unto the ſaid Councill and their Succeſſors, and to all Perſon and Perſons free of the ſaid Company as aforeſaid, ſix Months Time for the Payment of the one halfe of all ſuch Cuſtome and Subſidie, as ſhall be due, and payable unto Us, our Heires and Succeſſors for the ſame, for which theſe our Letters-pattent, or the Duplicate, or the Enrolment thereof, ſhall be unto our ſaid Officers a ſufficient Warrant and Diſcharge. Neverthelefs, our Will and Pleaſure is, that if any of the ſaid Goods, Wares, and Merchandizes, which be, or ſhall be, att any Time heereafter, landed and exported out of any of our Realmes aforeſaid, and ſhall be ſhipped with a Purpoſe not to be carried to New-England aforeſaid, that then ſuch Payment, Duty, Cuſtome, Impoſition, or Forfieture, ſhall be paid, and belong to Us, our Heires, and Succeſſors, for the ſaid Goods, Wares, and Merchandices, ſo fraudulently ſought to be tranſported, as if this our Grant had not been made nor granted: And Wee do for Us, our Heires and Succeſſors, give and grant unto the ſaid Councill and theire Succeſſors for ever, by theſe Preſents, that the ſaid

Preſident

Preſident of the ſaid Company, or his Deputy for the Time being, or any two others of the ſaid Councill, for the ſaid Collony in New-England, for the Time beinge, ſhall and may, and att all Times heereafter, and from time to time, have full Power and Authority, to miniſter and give the Oath and Oaths of Allegiance and Supremacy, or either of them, to all and every Perſon and Perſons, which ſhall att any Time and Times heereafter, goe or paſs to the ſaid Collony in New-England. And further, that it ſhall be likewiſe be lawful for the ſaid Preſident, or his Deputy for the Time being, or any two others of the ſaid Councill for the ſaid Collony of New-England for the Time being, from time to time, and att all Times heerafter, to miniſter ſuch a formal Oath, as by their Diſcretion ſhall be reaſonably deviſed, as well unto any Perſon and Perſons imployed or to be imployed in, for, or touching the ſaid Plantation, for their honeſt, faithfull, and juſt Diſcharge of their Service, in all ſuch Matters as ſhall be committed unto them for the Good and Benefitt of the ſaid Company, Collony, and Plantation, as alſo unto ſuch other Perſon or Perſons, as the ſaid Preſident or his Deputy, with two others of the ſaid Councill, ſhall thinke meete for the Examination or clearing of the Truth in any Cauſe whatſoever, concerning the ſaid Plantation, or any Buſineſs from thence proceeding, or thereunto belonging. And to the End that no lewd or ill-diſpoſed Perſons, Saylors, Soldiers, Artificers, Labourers, Huſbandmen, or others, which ſhall receive Wages, Apparel, or other Entertainment from the ſaid Councill, or contract and agree with the ſaid Councill to goe, and to ſerve, and to be imployed, in the ſaid Plantation, in the Collony in New-England, do afterwards withdraw, hide, and conceale themſelves, or refuſe to go thither, after they have been ſo entertained and agreed withall; and that no Perſons which ſhall be ſent and imployed in the ſaid Plantation, of the ſaid Collony in New-England, upon the Charge of the ſaid Councill, doe miſbehave themſelves by mutinous Seditions, or other notorious Miſdemeanors, or which ſhall be imployed, or ſent abroad by the Governour of New-England or his Deputy, with any Shipp or Pinnace, for Proviſion for the ſaid Collony, or for ſome Diſcovery, or other Buſineſs or Affaires concerninge the ſame, doe from thence either treacherouſly come back againe, or returne into the Realme of Englande by Stealth, or without Licence of the Governour of the ſaid Collony in New-England for the Time being, or be ſent hither as Miſdoers or Offendors; and that none of thoſe Perſons after theire Returne from thence, being queſtioned by the ſaid Councill heere, for ſuch their Miſdemeanors and Offences, do, by inſolent and contemptuous Carriage in the Preſence of the ſaid Councill ſhew little Reſpect and Reverence, either to the Place or Authority in which we have placed and appointed them and others, for the clearing of their Lewdneſs and Miſdemeanors commited in New-England, divulge vile and ſcandalous Reports of the Country of New-England, or of the Government or Eſtate of the ſaid Plantation and Collony, to bring the ſaid Voyages and Plantation into Diſgrace and Contempt,

by Meanes whereof, not only the Adventurers and Planters already engaged in the ſaid Plantation may be exceedingly abuſed and hindered, and a great Number of our loveing and well-diſpoſed Subjects, otherways well affected and inclined to joine and adventure in ſo noble a Chriſtian and worthy Action may be diſcouraged from the ſame, but alſo the Enterprize itſelf may be overthrowne, which cannot miſcarry without ſome Diſhonour to Us and our Kingdome : Wee, therefore, for preventing ſo great and enormous Abuſes and Miſdemeanors, Do, by theſe Preſents for Us, our Heires, and Succeſſors, give and grant unto the ſaid Preſident or his Deputy, or ſuch other Perſon or Perſons, as by the Orders of the ſaid Councill ſhall be appointed by Warrant under his or their Hand or Hands, to ſend for, or cauſe to be apprehended, all and every ſuch Perſon and Perſons, who ſhall be noted, or accuſed, or found at any time or times heereafter to offend or miſbehave themſelves in any the Affaires before mentioned and expreſſed ; and upon the Examination of any ſuch Offender or Offenders, and juſt Proofe made by Oathe taken before the ſaid Councill, of any ſuch notorious Miſdemeanours by them comitted as aforeſaid, and alſo upon any inſolent, contemptuous, or irreverent Carriage or Miſbehaviour, to or againſt the ſaid Councill, to be ſhewed or uſed by any ſuch Perſon or Perſons ſo called, convened, and appearing before them as aforeſaid, that in all ſuch Caſes, our ſaid Councill, or any two or more of them for the Time being, ſhall and may have full Power and Authority, either heere to bind them over with good Sureties for their good Behaviour, and further therein to proceed, to all Intents and Purpoſes as it is uſed in other like Caſes within our Realme of England, or elſe at their Diſcretions to remand and ſend ſend back the ſaid Offenders, or any of them, to the ſaid Collony of New-England, there to be proceeded againſt and puniſhed as the Governour's Deputy or Councill there for the Time being, ſhall think meete, or otherwiſe according to ſuch Laws and Ordinances as are, and ſhall be, in Uſe there, for the well ordering and good Government of the ſaid Collony. And our Will and Pleaſure is, and Wee do hereby declare to all Chriſtian Kings, Princes, and States, that if any Perſon or Perſons which ſhall hereafter be of the ſaid Collony or Plantation, or any other by Licenſe or Appointment of the ſaid Councill, or their Succeſſors, or otherwiſe, ſhall at any time or times heereafter, rob or ſpoil, by Sea or by Land, or do any Hurt, Violence, or unlawfull Hoſtillity to any of the Subjects of Us, our Heires, or Succeſſors, or any of the Subjects of any King, Prince, Ruler, or Governour, or State, being then in League or Amity with Us, our Heires and Succeſſors, and that upon ſuch Injury, or upon juſt Complaint of ſuch Prince, Ruler, Governour, or State, or their Subjects, Wee, our Heires, or Succeſſors ſhall make open Proclamation within any of the Ports of our Realme of England commodious for that Purpoſe, that the Perſon or Perſons having committed any ſuch Robbery or Spoile, ſhall within the Term limited by ſuch a Proclamation, make full Reſtitution or Satisfaction of all ſuch

Injuries

Injuries done, ſo as the ſaid Princes or other, ſo complaining, may hold themſelves fully ſatisfied and contented. And if that the ſaid Perſon or Perſons, having committed ſuch Robery or Spoile, ſhall not make or cauſe to be made Satisfaction accordingly within ſuch Terme ſo to be limited, that then it ſhall be lawful for Us, our Heires and Succeſſors, to put the ſaid Perſon or Perſons out of our Allegiance and Protection; and that it ſhall be lawful and free for all Princes to proſecute with Hoſtillity the ſaid Offenders and every of them, their, and every of their Procurers, Aidors, Abettors, and Comforters in that Behalfe. And alſo, Wee do for Us, our Heires, and Succeſſors, declare by theſe Preſents, that all and every the Perſons, beinge our Subjects, which ſhall goe and inhabitt within the ſaid Collony and Plantation, and every of their Children and Poſterity, which ſhall happen to be born within the Limitts thereof, ſhall have and injoy all Liberties, and ffranchizes, and Immunities of free Denizens and naturall Subjects within any of our other Dominions, to all Intents and Purpoſes, as if they had been abidinge and born within this our Kingdome of England, or any other our Dominions. And laſtly, becauſe the principall Effect which we can deſire or expect of this Action, is the Converſion and Reduction of the People in thoſe Parts unto the true Worſhip of God and Chriſtian Religion, in which Reſpect, Wee would be loath that any Perſon ſhould be permitted to paſs that Wee ſuſpected to affect the Superſtition of the Chh of Rome, Wee do hereby declare that it is our Will and Pleaſure that none be permitted to paſs, in any Voyage from time to time to be made into the ſaid Country, but ſuch as ſhall firſt have taken the Oathe of Supremacy; for which Purpoſe, Wee do by theſe Preſents give full Power and Authority to the Preſident of the ſaid Councill, to tender and exhibit the ſaid Oath to all ſuch Perſons as ſhall at any time be ſent and imployed in the ſaid Voyage. And Wee alſo for Us, our Heires and Succeſſors, do covenant and grant to and with the Councill, and their Succeſſors, by theſe Preſents, that if the Councill for the time being, and their Succeſſors, or any of them, ſhall at any time or times heereafter, upon any Doubt which they ſhall conceive concerning the Strength or Validity in Law of this our preſent Grant, or be deſirous to have the ſame renewed and confirmed by Us, our Heires and Succeſſors, with Amendment of ſuch Imperfections and Defects as ſhall appeare fitt and neceſſary to the ſaid Councill, or their Succeſſors, to be reformed and amended on the Behalfe of Us, our Heires and Succeſſors, and for the furthering of the Plantation and Government, or the Increaſe, continuing, and flouriſhing thereof, that then, upon the humble Petition of the ſaid Councill for the time being, and their Succeſſors, to Us, our Heires and Succeſſors, Wee, our Heires and Succeſſors, ſhall and will forthwith make and paſs under the Great Seale of England, to the ſaid Councill and theire Succeſſors, ſuch further and better Aſſurance, of all and ſingular the Lands, Grounds, Royalties, Priveliges, and Premiſſes aforeſaid granted, or intended to be granted, accord-

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ing to our true Intent and Meaneing in theſe our Letters-patents, ſignified, declared, or mentioned, as by the learned Councill of Us, our Heires, and Succeſſors, and of the ſaid Company and theire Succeſſors ſhall, in that Behalfe, be reaſonably deviſed or adviſed. And further our Will and Pleaſure is, that in all Queſtions and Doubts, that ſhall ariſe upon any Difficulty of Inſtruction or Interpretation of any Thing contained in theſe our Letters-pattents, the ſame ſhall be taken and interpreted in moſt ample and beneficial Manner, for the ſaid Council and theire Succeſſors, and every Member thereof. And Wee do further for Us, our Heires and Succeſſors, charge and comand all and ſingular Admirals, Vice-Admirals, Generals, Comanders, Captaines, Juſtices of Peace, Majors, Sheriffs, Bailiffs, Conſtables, Cuſtomers, Comptrollers, Waiters, Searchers, and all the Officers of Us, our Heires and Succeſſors, whatſoever to be from time to time, and att all times heereafter, in all Things aiding, helping, and aſſiſting unto the ſaid Councill, and their Succeſſors, and unto every of them, upon Requeſt and Requeſts by them to be made, in all Matters and Things, for the furtherance and Accompliſhment of all or any the Matters and Things by Us, in and by theſe our Letters-pattents, given, granted, and provided, or by Us meant or intended to be given, granted, and provided, as they our ſaid Officers, and the Officers of Us, our Heires and Succeſſors, do tender our Pleaſure, and will avoid the contrary att their Perills. And Wee alſo do by theſe Preſents, ratifye and confirm unto the ſaid Councill and their Succeſſors, all Priveliges, ffranchiſes, Liberties, Immunities granted in our ſaid former Letters-patents, and not in theſe our Letters-patents revoaked, altered, changed or abridged, altho' expreſs Mention, &c.

In Witnes, *&c.*

Witnes our ſelfe at *Weſtminiſter*, the Third Day of November, in the Eighteenth Yeare of our Reign over England, &c.

Par Breve de Privato Sigillo, &c.

This is a true Copy from the Original Record remaining in the Chapel of the Rolls having been examined.

HEN. ROOKE, *Clerk of the Rolls.*

AGREEMENT *between the* SETTLERS *at* NEW-PLYMOUTH, *November* 11*th*, 1620.

[New-England Memorial, Page 20.]

IN THE NAME OF GOD, AMEN. We, whoſe Names are underwritten, the Loyal Subjects of our dread Sovereign Lord King *James*, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, *Defender of the Faith*, &c. Having undertaken for the Glory of God, and Advancement of the Chriſtian Faith, and the Honour of our King and Country, a Voyage to plant the firſt Colony in the northern Parts of *Virginia*; Do by theſe Preſents, ſolemnly and mutually, in the Preſence of God and one another, covenant and combine ourſelves together into a civil Body Politick, for our better Ordering and Preſervation, and Furtherance of the Ends aforeſaid: And by Virtue hereof do enact, conſtitute, and frame, ſuch juſt and equal Laws, Ordinances, Acts, Conſtitutions, and Officers, from time to time, as ſhall be thought moſt meet and convenient for the general Good of the Colony; unto which we promiſe all due Submiſſion and Obedience. IN WITNESS whereof we have hereunto ſubſcribed our Names at *Cape-Cod*, the eleventh of *November*, in the Reign of our Sovereign Lord King *James*, of *England*, *France*, and *Ireland*, the eighteenth, and of *Scotland*, the fifty-fourth, *Anno Domini*, 1620.

John Carver,
William Bradford,
Edward Winſlow,
William Brewſter,
Iſaac Allerton,
Miles Standiſh,
John Alden,
John Turner,
Francis Eaton,
James Chilton,
John Craxton,
John Billington,
Joſes Fletcher,
John Goodman,
Samuel Fuller,
Chriſtopher Martin,
William Mullins,
William White,
Richard Warren,
John Howland,
Steven Hopkins,
Digery Prieſt,
Thomas Williams,
Gilbert Winſlow,
Edmund Margeſſon,
Peter Brown,
Richard Bitteridge,
George Soule,
Edward Tilly,
John Tilly,
Francis Cooke,
Thomas Rogers,
Thomas Tinker,
John Ridgdale,
Edward Fuller,
Richard Clark,
Richard Gardiner,
John Allerton,
Thomas Engliſh,
Edward Doten,
Edward Lieſter.

*A LETTER *from* NEW-PLIMOTH.

[Smitte's New-England Trials. Lond. 1622.]

LOUING Couſin, at our Arriuall, at *New-Plimmoth* in *New England*, we found all our Friends and Planters in good Health, though they were left ſicke and weake, with very ſmall Meanes—the Indians round about us peaceable and friendly —the Country very pleaſant and temperate, yeelding naturally of itſelf great Store of Fruites; as Vines of diuers Sorts in great Abundance: there is likewiſe Walnuts, Cheſnuts, Small Nuts, and plums, with much Varietie of Flowers, Rootes, and Herbs, no leſſe pleaſant than wholſome and profitable: no place hath more Gooſeberries and Strawberries, nor better; Timber of all Sorts you have in *England*, doth covert he Land, that affoords beaſts of diuers Sorts; and great Flocks of Turkies, Quailes, Pigeons, and Partriges: many great Lakes abounding with Fiſh, Fowle, Beuers, and Otters. The Sea affoords vs as great Plenty of all excellent Sorts of Sea-fiſh, as the Riuers and Iles doth Varietie of Wilde Fowle of moſt vſefull Sorts. Mines we find to our thinking, but neither the Goodneſs nor Qualitie we know. Better Grain cannot be than the Indian-Corne, if we will plant it vpon as good Ground as a man need deſire. Wee are all Free-holders; the Rent-day doth not trouble vs; and all thoſe good Bleſſings we haue, of which, and what we liſt in their Seaſons, for taking. Our Companie are for moſt Part very religious honeſt People: the Word of God ſincerely taught vs every Sabbath; ſo that I know not any thing a contented Mind can here want. I deſire your friendly Care to ſend my Wife and Children to me, where I wiſh all the Friends I have in England, and ſo I reſt,

Your loving Kinſman,

WILLIAM HILTON.

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* There is no Date to this Letter, but the Veſſel by which it was ſent, left New-England the Beginning of April, 1621.

TRANSLATION *of a* CHARTER *given by the High and Mighty Lords, the* STATES GENERAL, *to the* WEST INDIA COMPANY, *dated the third of June*, 1621.

[De Laet. Jaerlyck Verhaal.]

THE States-General of the United Netherlands, to all who ſhall ſee theſe Preſents, or hear them read, Greeting. Be it known, that we knowing the proſperity of theſe countries, and the welfare of their inhabitants depends principally on navigation and trade, which in all former times by the ſaid Countries were carried on happily, and with a great bleſſing to all countries and kingdoms; and deſiring that the aforeſaid inhabitants ſhould not only be preſerved in their former navigation, traffic, and trade, but alſo that their trade may be encreaſed as much as poſſible in ſpecial conformity to the treaties, alliances, leagues and covenants for traffic and navigation formerly made with other princes, republics and people, which we give them to underſtand muſt be in all parts punctually kept and adhered to: And we find by experience, that without the common help, aſſiſtance, and interpoſition of a General Company, the people deſigned from hence for thoſe parts cannot be profitably protected and maintained in their great riſque from pirates, extortion and otherwiſe, which will happen in ſo very long a voyage. We have, therefore, and for ſeveral other important reaſons and conſiderations us thereunto moving, with mature deliberation of counſel, and for highly neceſſary cauſes, found it good, that the navigation, trade, and commerce, in the parts of the Weſt-Indies, and Africa, and other places hereafter deſcribed, ſhould not henceforth be carried on any otherwiſe than by the common united ſtrength of the merchants and inhabitants of theſe countries; and that for that end there ſhall be erected one General Company, which we out of ſpecial regard to their common well-being, and to keep and preſerve the inhabitants of thoſe places in good trade and welfare, will maintain and ſtrengthen with our Help, Favour and aſſiſtance as far as the preſent ſtate and condition of this Country will admit: and moreover furniſh them with a proper Charter, and with the following Privileges and Exemptions, to wit, That for the Term of four and twenty Years, none of the Natives or Inhabitants of theſe countries ſhall be permitted to ſail to or from the ſaid lands, or to traffic on the coaſt and countries of *Africa* from the *Tropic* of *Cancer* to the *Cape of Good Hope*, nor in the countries of *America*, or the Weſt-Indies, beginning at the ſouth end of *Terra Nova*, by the ſtreights of *Magellan*, *La Maire*, or any other ſtreights and paſſages ſituated thereabouts to the ſtreights of *Anian*, as well on the north ſea as the ſouth

ſea, nor on any iſlands ſituated on the one ſide or the other, or between both; nor in the weſtern or ſouthern countries reaching, lying, and between both the meridians, from the *Cape of Good Hope*, in the Eaſt, to the eaſt end of *New Guinea*, in the Weſt, incluſive, but in the Name of this United Company of theſe United Netherlands. And whoever ſhall preſume without the conſent of this Company, to ſail or to traffic in any of the Places within the aforeſaid Limits granted to this Company, he ſhall forfeit the ſhips and the goods which ſhall be found for ſale upon the aforeſaid coaſts and lands; the which being actually ſeized by the aforeſaid Company, ſhall be by them kept for their own Benefit and Behoof. And in caſe ſuch ſhips or goods ſhall be ſold either in other countries or havens they may touch at, the owners and partners muſt be fined for the value of thoſe ſhips and goods: Except only, that they who before the date of this charter, ſhall have ſailed or been ſent out of theſe or any other countries, to any of the aforeſaid coaſts, ſhall be able to continue their trade for the ſale of their goods, and come back again, or otherwiſe, until the expiration of this charter, if they have had any before, and not longer: Provided, that after the firſt of July ſixteen hundred and twenty one, the day and time of this charter's commencing, no perſon ſhall be able to ſend any ſhips or goods to the places comprehended in this charter, although that before the date hereof, this Company was not finally incorporated: But ſhall provide therein, as is becoming, againſt thoſe who knowingly by fraud endeavour to fruſtrate our intention herein for the public good: Provided that the ſalt trade at *Ponte del Re* may be continued according to the conditions and inſtructions by us already given, or that may be given reſpecting it, any thing in this charter to the contrary notwithſtanding.

II. That, moreover, the aforeſaid Company may, in our name and authority, within the limits herein before preſcribed, make contracts, engagements and alliances with the princes and natives of the countries comprehended therein, and alſo build any forts and fortifications there, to appoint and diſcharge Governors, people for war, and officers of juſtice, and other public officers, for the preſervation of the places, keeping good order, police and juſtice, and in like manner for the promoting of trade; and again, others in their place to put, as they from the ſituation of their affairs ſhall ſee fit: Moreover, they muſt advance the peopling of thoſe fruitful and unſettled parts, and do all that the ſervice of thoſe countries, and the profit and increaſe of trade ſhall require: And the Company ſhall ſucceſſively communicate and tranſmit to us ſuch contracts and alliances as they ſhall have made with the aforeſaid princes and nations; and likewiſe the ſituation of the fortreſſes, fortifications, and ſettlements by them taken.

III. Saving, that they having choſen a governor in chief, and prepared inſtructions for him, they ſhall be approved, and a commiſſion given by us: And that further,

ther, ſuch governor in chief, as well as other deputy governors, commanders, and officers, ſhall be held to take an oath of allegiance to us and alſo to the Company.

IV. And if the aforeſaid Company in any of the aforeſaid places ſhall be cheated under the appearance of friendſhip, or badly treated, or ſhall ſuffer loſs in truſting their money or Goods, without having reſtitution, or receiving payment for them, they may uſe the beſt methods in their power, according to the ſituation of their affairs, to obtain ſatisfaction.

V. And if it ſhould be neceſſary, for the eſtabliſhment, ſecurity and defence of this trade, to take any troops with them, we will, according to the conſtitution of this country, and the ſituation of affairs furniſh the ſaid Company with ſuch troops, provided they be paid and ſupported by the Company.

VI. Which troops, beſides the oath already taken to us and to his excellency, ſhall ſwear to obey the commands of the ſaid Company, and to endeavour to promote their intereſt to the utmoſt of their ability.

VII. That the provoſts of the Company on ſhore may apprehend any of the military, that have inliſted in the ſervice of the aforeſaid company, and may confine them on board the ſhips in whatever city, place, or juriſdiction they may be found; provided, the provoſts firſt inform the officers and magiſtrates of the cities and places where this happens.

VIII. That we will not take any ſhips, ordnance, or ammunition belonging to the company, for the uſe of this country, without the conſent of the ſaid company.

IX. We having moreover incorporated this company, and favoured them with privileges, and we give them a charter beſides this, that they may paſs freely with all their ſhips and goods without paying any toll to the United Provinces; and that they themſelves may uſe their liberty in the ſame manner as the free inhabitants of the cities of this country enjoy their freedom, notwithſtanding any perſon who is not free may be a member of this company.

X. That all the goods of this company during the eight next enſuing years, may be carried out of this country to the parts of the Weſt-Indies and Africa, and other places comprehened within the aforeſaid limits, and thoſe which they ſhall bring into this country, ſhall be from outward and home convoys; provided, that if at the expiration of the aforeſaid eight years, the ſtate and ſituation of theſe Countries will not admit of this Freedom's continuing for a longer time, the ſaid goods, and the merchandiſes coming from the places mentioned in this Charter, and exported again out of theſe countries, and the outward convoys and licenſes, during the whole time of this Charter, ſhall not be rated higher by us than they have formerly been rated, unleſs we ſhould be again engaged in a war, in which caſe, all the afore-

ſaid goods and merchandiſes ſhall not be rated higher by us than they were in the laſt liſt in time of war.

XI. And that this company may be ſtrengthened by a good government, to the greateſt profit and ſatisfaction of all concerned, we have ordained, that the ſaid government ſhall be veſted in five chambers of managers; one at Amſterdam,—this ſhall have the management of four-ninth parts; one chamber in Zealand, for two-ninth parts; one chamber at the Maeze, for one-ninth part; one chamber in North Holland, for one-ninth part; and the fifth chamber in Frieſland, with the * city and country, for one-ninth part; upon the condition entered in the record of our reſolutions, and the Act paſt reſpecting it. And the Provinces in which there are no chambers ſhall be accommodated with ſo many managers, divided among the reſpective chambers, as their hundred thouſand guilders in this company ſhall entitle them to.

XII. That the chamber of Amſterdam ſhall conſiſt of twenty managers; the chamber of Zealand of twelve; the chambers of Maeze and of the North Part, each of fourteen, and the chamber of Frieſland, with the city and country, alſo of fourteen managers: If it ſhall hereafter appear, that this work cannot be carried on without a greater number of perſons; in that caſe, more may be added, with the knowledge of nineteen, and our approbation, but not otherwiſe.

XIII. And the States of the reſpective United Provinces are authoriſed, to lay before their High Mightineſſes' ordinary deputies, or before the magiſtrates of the cities of theſe Provinces, any order for regiſtering the members, together with the election of managers, if they find they can do it according to the conſtitution of their Provinces. Moreover, that no perſon in the chamber of Amſterdam ſhall be choſen a manager who has not of his own in the funds of the company, the ſum of ſix thouſand guilders; and the chamber of Zealand four thouſand guilders, and the chamber of Maeze, of the North Part, and of Frieſland, with the city and country, the like ſum of four thouſand guilders.

XIV. That the firſt managers ſhall ſerve for the term of ſix years, and then one-third part of the number of managers ſhall be changed by lot; and two years after a like third part, and the two next following years, the laſt third part; and ſo on ſucceſſively the oldeſt in the ſervice ſhall be diſmiſſed; and in the place of thoſe who go off, or of any that ſhall die, or for any other reaſon be diſmiſſed, three others ſhall

* Stadt ende Landen.

ſhall be nominated by the managers, both remaining and going off, together with the principal adventurers in perſon, and at their coſt, from which the aforeſaid Provinces, the deputies, or the magiſtrates, ſhall make a new election of a manager, and ſucceſſively ſupply the vacant places ; and it ſhall be held before the principal adventurers, who have as great a concern as the reſpective managers.

XV. That the accounts of the furniture and outfit of the veſſels, with their dependencies, ſhall be made up three months after the departure of the veſſels, and one month after, copies ſhall be ſent to us, and to the reſpective chambers: and the ſtate of the returns, and their ſales, ſhall the chambers (as often as we ſee good, or they are required thereto by the chambers) ſend to us and to one another.

XVI. That every ſix years they ſhall make a general account of all outfits and returns, together with all the gains and loſſes of the company ; to wit, one of their buſineſs, and one of the war, each ſeparate: which accounts ſhall be made public by an advertiſement, to the end that every one who is intereſted may, upon hearing of it, attend ; and if by the expiration of the ſeventh year, the accounts are not made out in manner aforeſaid, the managers ſhall forfeit their commiſſions, which ſhall be appropriated to the uſe of the poor, and they themſelves be held to render their account as before, till ſuch time and under ſuch penalty as ſhall be fixed by us reſpecting offenders. And notwithſtanding there ſhall be a dividend made of the profits of the buſineſs, ſo long as we find that *ten per Cent.* ſhall have been gained.

XVII. No one ſhall, during the continuance of this charter, withdraw his capital, or ſum advanced, from this company ; nor ſhall any new members be admitted. If at the expiration of four and twenty years it ſhall be found good to continue this company, or to erect a new one, a final account and eſtimate ſhall be made by the nineteen, with our knowledge, of all that belongs to the company, and alſo of all their expences, and any one, after the aforeſaid ſettlement and eſtimate, may withdraw his money, or continue it in the new company, in whole or in part, in the ſame proportion as in this ; And the new company ſhall in ſuch caſe take the remainder, and pay the members which do not think fit to continue in the company their ſhare, at ſuch times as the nineteen, with our knowledge and approbation, ſhall think proper.

XVIII. That ſo often as it ſhall be neceſſary to have a general meeting of the aforeſaid chambers, it ſhall be by nineteen perſons, of whom eight ſhall come from the chamber of Amſterdam; from Zealand, four; from the Maeze, two; from North Holland, two ; from Frieſland, and the city and country, two ; provided, that the nineteen perſons, or ſo many more as we ſhall at any time think fit, ſhall be deputed by us for the purpoſe of helping to direct the aforeſaid meeting of the company.

XIX. By which general meeting of the aforeſaid chambers, all the buſineſs of this company

Company which ſhall come before them ſhall be managed and finally ſettled; provided, that in caſe of reſolving upon a war, our approbation ſhall be aſked.

XX. The aforeſaid general meeting being ſummoned, it ſhall meet to reſolve when they ſhall fit out, and how many veſſels they will ſend to each place, the company in general obſerving that no particular chamber ſhall undertake any thing in oppoſition to the foregoing reſolution, but ſhall be held to carry the ſame effectually into execution. And if any chamber ſhall be found not following the common reſolution, or contravening it, we have authoriſed, and by theſe preſents do authorize, the ſaid meeting, immediately to cauſe reparation to be made of every defect or contravention, wherein we, being deſired, will aſſiſt them.

XXI. The ſaid general meeting ſhall be held the firſt ſix years in the city of Amſterdam, and two years thereafter in Zealand, and ſo on from time to time in the aforeſaid two places.

XXII. The managers to whom the affairs of the company ſhall be committed, who ſhall go from home to attend the aforeſaid meeting or otherwiſe, ſhall have for their expences and wages, four guilders a day, beſides boat and carriage hire: Provided, that thoſe who go from one city to another, to the chambers as managers and governors, ſhall receive no wages or travelling charges, at the coſt of the company.

XXII. And if it ſhould happen that in the aforeſaid general meeting, any weighty matter ſhould come before them wherein they cannot agree, or in caſe the votes are equally divided, the ſame ſhall be left to our deciſion; and whatever ſhall be determined upon ſhall be carried into execution.

XXIV. And all the inhabitants of theſe countries, and alſo of other countries, ſhall be notified by public advertiſements within one month after the date hereof, that they may be admitted into this Company, during five months from the firſt of July this year, ſixteen hundred and twenty one, and that they muſt pay the money they put into the Stock in three payments; to wit, one-third part at the expiration of the aforeſaid five months, and the other two-third parts within three next ſucceeding years. In caſe the aforeſaid general meeting ſhall find it neceſſary to prolong the time, the members ſhall be notified by an advertiſement.

XXV. The ſhips returning from a voyage ſhall come to the place they ſailed from; and if by ſtreſs of weather, the veſſels which ſailed out from one part ſhall arrive in another; as thoſe from Amſterdam, or North Holland, in Zealand, or in the Maeze; or from Zealand, in Holland; or thoſe from Frieſland, with the city and country, in another part; each chamber ſhall nevertheleſs have the direction and management of the veſſels and goods it ſent out, and ſhall ſend and tranſport the goods to the places from whence the veſſels ſailed, either in the ſame or other veſſels: Provided, that the managers of that chamber ſhall be held in perſon to find the

the place where the veſſels and goods are arrived, and not appoint factors to do this buſineſs; but in caſe they ſhall not be in a ſituation for travelling, they ſhall commit this buſineſs to the chamber of the place where the veſſels arrived.

XXVI. If any chamber has got any goods or returns from the places included within the Limits of this charter, with which another is not provided, it ſhall be held to ſend ſuch goods to the chamber which is unprovided, on its requeſt, according to the ſituation of the caſe, and if they have ſold them, to ſend to another chamber for more. And in like manner, if the managers of the reſpective chambers have need of any perſons for fitting out the veſſels, or otherwiſe, from the cities where there are chambers or managers, they ſhall require and employ the managers, of this company, without making uſe of a factor.

XXVII. And if any of the Provinces think fit to appoint an agent to collect the money from the inhabitants, and to make a fund in any chamber, and for paying dividends, the chamber ſhall be obliged to give ſuch agent acceſs, that he may obtain information of the ſtate of the diſburſements and receipts, and of the debts; provided, that the money brought in by ſuch agent amount to fifty thouſand guilders or upwards.

XXVIII. The managers ſhall have for commiſſions one *per cent.* on the outfits and returns, beſides the Prince's; and an half *per cent.* on gold and ſilver: which commiſſion ſhall be divided; to the Chamber of Amſterdam, four-ninth parts; the Chamber of Zealand, two-ninth parts; the Maeze, one-ninth part; North Holland, one-ninth part, and Frieſland, with the city and country, a like ninth part.

XXIX. Provided that they ſhall not receive commiſſions on the ordnance and the ſhips more than once. They ſhall, moreover have no commiſſions on the ſhips, ordnance, and other things with which we ſhall ſtrengthen the Company, nor on the money which they ſhall collect for the Company, nor on the profits they receive from the goods, nor ſhall they change the Company with any expences of travelling or proviſions for thoſe to whom they ſhall commit the providing a cargo, and purchaſing goods neceſſary for it.

XXX. The book-keepers and caſhiers ſhall have a ſalary paid them by the managers out of their commiſſions.

XXXI. The managers ſhall not deliver or ſell to the Company, in whole or in part, any of their own ſhips, merchandize or goods; nor buy or cauſe to be bought, of the ſaid Company, directly or indirectly, any goods or merchandize, nor have any portion or part therein, on forfeiture of one year's commiſſions for the uſe of the poor, and the loſs of Office.

XXXII. The Managers ſhall give notice by advertiſement, as often as they have a freſh

freſh importation of goods and merchandize, to the end that every one may have ſeaſonable knowledge of it, before they proceed to a final ſale.

XXXIII. And if it happens that in either Chamber, any of the managers ſhall get into ſuch a ſituation, that he cannot make good what was entruſted to him during his adminiſtration, and in conſequence thereof any loſs ſhall happen, ſuch Chamber ſhall be liable for the damage, and ſhall alſo be ſpecially bound for their adminiſtration, which ſhall alſo be the caſe with all the members, who, on account of goods purchaſed, or otherwiſe, ſhall become debtors to the Company, and ſo ſhall be reckoned all caſes relating to their ſtock and what may be due to the Company.

XXXIV. The managers of the reſpective chambers ſhall be reſponſible for their reſpective caſhiers and book-keepers.

XXXV. That all the goods of this Company which ſhall be ſold by weight ſhall be ſold by one weight, to wit, that of Amſterdam; and that all ſuch goods ſhall be put on board ſhip, or in ſtore without paying any exciſe, impoſt or weigh-money; provided, that they being ſold, ſhall not be delivered in any other way than by weight; and provided that the impoſt and weigh-money ſhall be paid as often as they are alienated, in the ſame manner as other goods ſubject to weigh-money.

XXXVI. That the perſons or goods of the managers ſhall not be arreſted, attached, or encumbered, in order to obtain from them an account of the adminiſtration of the Company, nor for the payment of the wages of thoſe who are in the ſervice of the Company, but thoſe who ſhall pretend to take the ſame upon them, ſhall be bound to refer the matter to their ordinary judges.

XXXVII. So when any ſhip ſhall return from a voyage, the generals or commanders of the fleets, ſhall be obliged to come and report to us the ſucceſs of the voyage of ſuch ſhip or ſhips, within ten days after their arrival, and ſhall deliver and leave with us a report in writing, if the caſe requires it.

XXXVIII. And if it happens (which we by no means expect) that any perſon will, in any manner, hurt or hinder the navigation, buſineſs, trade, or traffic of this Company, contrary to the common right, and the contents of the aforeſaid treaties, leagues, and covenants, they ſhall defend it againſt them, and regulate it by the inſtructions we have given concerning it.

XXXIX. We have moreover promiſed and do promiſe, that we will defend this Company againſt every perſon in free navigation and traffic, and aſſiſt them with a million of guilders, to be paid in five years, whereof the firſt two hundred thouſand guilders ſhall be paid them when when the firſt payment ſhall be made by the members: Provided that we, with half the aforeſaid million of guilders, ſhall receive and bear profit and riſque in the ſame manner as the other nembers of this Company ſhall.

XL. And if by a violent and continued interruption of the aforeſaid navigation

and

an traffic, the buſineſs within the limits of their Company ſhall be brought to an open war, we will, if the ſituation of this country will in any wiſe admit of it, give them for their aſſiſtance ſixteen ſhips of war, the leaſt one hundred and fifty laſts burthen; with four good well ſailing yachts, the leaſt, forty laſts burthen, which ſhall be properly mounted and provided in all reſpects, both with braſs and other cannon, and a proper quantity of ammunition, together with double ſuits of running and ſtanding rigging, ſails, cables, anchors, and other things thereto belonging, ſuch as are proper to be provided and uſed in all great expeditions; upon condition, that they ſhall be manned, victualled, and ſupported at the expence of the Company, and that the Company ſhall be obliged to add thereto ſixteen like ſhips of war, and four yachts, mounted and provided as above, to be uſed in like manner for the defence of trade and all exploits of war: Provided that all the ſhips of war and merchantmen (that ſhall be with thoſe provided and manned as aforeſaid) ſhall be under an admiral appointed by us according to the previous advice of the aforeſaid General Company, and ſhall obey our commands, together with the reſolutions of the Company, if it ſhall be neceſſary, in the ſame manner as in time of war; ſo notwithſtanding that the merchantmen ſhall not unneceſſarily hazard their lading.

XLI. And if it ſhould happen that this country ſhould be remarkably eaſed of its burthens, and that this Company ſhould be laid under the grievous burthen of a war, we have further promiſed, and do promiſe, to encreaſe the aforeſaid ſubſidy in ſuch manner as the ſituation of theſe countries will admit, and the affairs of the Company ſhall require.

XLII. We have moreover ordained, that in caſe of a war, all the prizes which ſhall be taken from enemies and pirates within the aforeſaid limits, by the Company or their aſſiſtants; alſo the goods which ſhall be ſeized by virtue of our proclamation, after deducting all expences and the damage which the Company ſhall ſuffer in taking each prize, together with the juſt part of his excellency the admiral, agreeable to our reſolution of the firſt of April ſixteen hundred and two; and the tenth part for the officers, ſailors, and ſoldiers, who have taken the prize, ſhall await the diſpoſal of the managers of the aforeſaid Company: Provided that the account of them ſhall be kept ſeparate and apart from the account of trade and commerce; and that the nett proceeds of the ſaid prizes ſhall be employed in fitting out ſhips, paying the troops, fortifications, garriſons, and like matters of war and defence by ſea and land; but there ſhall be no diſtribution unleſs the ſaid nett proceeds ſhall amount to ſo much that a notable ſhare may be diſtributed without weakening the ſaid defence, and after paying the expences of the war, which ſhall be done ſeparate and apart from the diſtributions on account of Trade: And the diſtribution ſhall be made one-tenth part for the uſe of the United Netherlands, and the remainder for

the members of this Company, in exact proportion to the capital they have advanced.

XLIII. Provided nevertheleſs, that all the prizes and goods, taken by virtue of our proclamation, ſhall be brought in, and the right laid before the judicature of the counſellors of the admiralty for the part to which they are brought, that they may take cognizance of them, and determine the legality or illegality of the ſaid prizes; the proceſs of the adminiſtration of the goods brought in by the Company remaining nevertheleſs pending, and that under a proper inventory; and ſaving a reviſion of what may be done by the ſentence of the admiralty, agreeable to the inſtruction given the admiralty in that behalf. Provided that the vendue-maſters and other officers of the admiralty, ſhall not have or pretend to any right to the prizes taken by this Company, and ſhall not be employed reſpecting them.

XLIV. The managers of this Company ſhall ſolemnly promiſe and ſwear, that they will act well and faithfully in their adminiſtration, and make good and juſt accounts of their trade: That they in all things will conſult the greateſt profit of the Company, and as much as poſſible prevent their meeting with loſſes: That they will not give the principal members any greater advantage in the payments or diſtribution of money than the leaſt: That they, in getting in and receiving out-ſtanding debts, will not favour one more than another: That they for their own account will take, and, during the continuance of their adminiſtration, will continue to take ſuch ſum of money as by their charter is allotted to them; and moreover, that they will, as far as concerns them, to the utmoſt of their power, obſerve and keep, and cauſe to be obſerved and kept, all and every the particulars and articles herein contained.

XLV. All which privileges, freedoms and exemptions, together with the aſſiſtance herein before mentioned, in all their particulars and articles, we have, with full knowledge of the buſineſs, given, granted, promiſed and agreed to the aforeſaid Company; giving, granting, agreeing and promiſing moreover that they ſhall enjoy them peaceably and freely: ordaining that the ſame ſhall be obſerved and kept by all the magiſtrates, officers, and ſubjects of the United Netherlands, without doing any thing contrary thereto directly or indirectly, either within or out of theſe Netherlands, on penalty of being puniſhed both in life and goods as obſtacles to the common welfare of this country, and tranſgreſſors of our ordinance: promiſing moreover that we will maintain and eſtabliſh the Company in the things contained in this charter, in all treaties of peace, alliances and agreements with the neighbouring princes, kingdoms and countries, without doing any thing, or ſuffering any thing to be done which will weaken their eſtabliſhment. Charging and expreſsly commanding all governors, juſtices, officers, magiſtrates and inhabitants of the aforeſaid United Netherlands, that they permit the aforeſaid Company and managers peaceably and freely to enjoy the full effect of this charter, agreement, and privi-

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lege, without any contradiction or impeachment to the contrary. And that none may pretend ignorance hereof, we command that the contents of this charter ſhall be notified by publication, or an advertiſement, where, and in ſuch manner, as is proper; for we have found it neceſſary for the ſervice of this country.

Given under our Great Seal, and the Signature and Seal of our Recorder, at the Hague, on the third day of the month of June, in the year ſixteen hundred and twenty one.

Was counterſigned

J. MAGNUS, Secr.

Underneath was written,

The ordinance of the High and Mighty Lords the States General.

It was ſubſcribed,

C. AERSSEN,

And had a Seal pendant, of red Wax, and a ſtring of white Silk.

An ORDINANCE *and* CONSTITUTION *of the Treaſurer, Council, and Company in* England, *for a Council of State and General Aſſembly. Dated* July 24, 1621.

[Stith's Hiſt. of Virginia, App. p. 32.]

TO all People, to whom theſe Preſents ſhall come, be ſeen, or heard, The Treaſurer, Council, and Company of Adventures and Planters for the City of *London* for the firſt Colony of *Virginia*, ſend Greeting. Know ye, that we, the ſaid Treaſurer, Council, and Company, taking into our careful Conſideration the preſent State of the ſaid Colony of *Virginia*, and intending, by the Divine Aſſiſtance, to

ſettle a Form of Government there, as may be to the greateſt Benefit and Comfort of the People, and whereby all Injuſtice, Grievances, and Oppreſſion may be prevented and kept off as much as poſſible from the ſaid Colony, have thought fit to make our Entrance, by ordering and eſtabliſhing ſuch Supreme Councils, as may not only be aſſiſting to the Governor for the Time being, in the Adminiſtration of Juſtice, and the executing other Duties to this Office belonging; but alſo, by their vigilant Care and Prudence, may provide, as well for a Remedy of all Inconveniences, growing from time to time, as alſo for advancing of Increaſe, Strength, Stability, and Proſperity of the ſaid Colony:

We therefore, the ſaid Treaſurer, Council, and Company, by Authority directed to us from his Majeſty under the Great Seal, upon mature Deliberation, Do hereby order and declare, that, from hence forward, there ſhall be Two Supreme Councils in *Virginia*, for the better government of the Colony aforeſaid.

The one of which Councils to be called the Council of State (and whoſe office ſhall chiefly be aſſiſting, with their Care, Advice, and Circumſpection, to the ſaid Governor) ſhall be choſen, nominated, placed, and diſplaced, from time to time, by Us, the ſaid Treaſurer, Council, and Company, and our Succeſſors: Which Council of State ſhall conſiſt for the preſent, only of theſe Perſons, as are here inſerted, *viz.* Sir *Francis Wyat*, † Governor of *Virginia*, Captain *Francis Weſt*, Sir *George Yeardley*, Knight, Sir *William Neuce*, Knight, Marſhal of *Virginia*, Mr. *George Sandys*, Treaſurer, Mr. *George* ‡ *Thorpe*, Deputy of the College, Captain *Thomas Neuce*, Deputy for the Company, Mr. *Pawlet*, Mr. *Leech*, Captain *Nathaniel Powell*, Mr. *Chriſtopher Davidſon*, Secretary, Doctor *Pots*, Phyſician to the Company, Mr. *Roger Smith*, Mr. *John Berkeley*, Mr. *John Rolfe*, Mr. *Ralph Hamer*, Mr. *John* ‖ *Pountis*, Mr. *Michael Lapworth*, Mr. *Harwood*, Mr. *Samuel Macock*: Which ſaid Counſellors and Council we earneſtly pray and deſire, and in his Majeſty's Name ſtrictly charge and command, that all Factions, Partialities, and ſiniſter Reſpect laid aſide, they bend their Care and Endeavours to aſſiſt the ſaid Governor; firſt and principally, in the Advancement of the Honour and Service of God, and the Enlargement

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† It is to be noted that the Governor is always inſerted in the old Commiſſions, as a Part, and the Head of the Council of State.

‡ M. S. *Thorne:* but as I am perfectly well acquainted with theſe Names and Perſons, by peruſing the ancient Records, I ſhall take the Liberty of correcting the Errors of the Tranſcriber.

‖ M. S. *Dewntus*.

largement of his Kingdom amongſt the Heathen People; and next, in erecting of the ſaid Colony in due Obedience to his Majeſty, and all lawful Authority from his Majeſty's Directions; and laſtly, in maintaining the ſaid People in Juſtice and *Chriſtian* Converſation amongſt themſelves, and in Strength and Ability to withſtand their Enemies. And this Council, to be always, or for the moſt Part, reſiding about or near the Governor.

The other Council, more generally to be called by the Governor, once Yearly, and no * oftener, but for † very extraordinary and important Occaſions, ſhall conſiſt, ‖ for the preſent, of the ſaid Council of State, and of two Burgeſſes out of every Town, Hundred, or other particular Plantation, to be reſpectively choſen by the Inhabitants: Which Council ſhall be called the General Aſſembly, wherein (as alſo in the ſaid Council of State) all Matters ſhall be decided, determined, and ordered, by the greater Part of the Voices then preſent; reſerving to the Governor always a Negative Voice. And this General Aſſembly ſhall have free Power to treat, conſult, and conclude, as well of all emergent Occaſions concerning the Publick Weal of the ſaid Colony and every Part thereof, as alſo to make, ordain, and enact ſuch general Laws and Orders, for the Behoof of the ſaid Colony, and the good Government thereof, as ſhall from time to time appear neceſſary or requiſite:

Whereas in all other Things, we require the ſaid General Aſſembly, as alſo the ſaid Council of State, to imitate and follow the Policy of the Form of Government, Laws, Cuſtoms, and Manner of Trial, and other Adminiſtration of Juſtice, uſed in the Realm of *England*, as near as may be, even as ourſelves, by his Majeſty's Letters-patent, are required:

Provided, that no Law or Ordinance, made in the ſaid General Aſſembly, ſhall be or continue in Force or Validity, unleſs the ſame ſhall be ſolemnly ratified and confirmed, in a General Quarter Court of the ſaid ‡ Company here in *England*, and ſo ratified, be returned to them under our Seal: It being our Intent to afford the like Meaſure alſo unto the ſaid Colony, that after the Government of the ſaid Colony ſhall once have been well framed and ſettled accordingly, which is to be done by Us, as by Authority derived from his Majeſty, and the ſame ſhall have been ſo by Us declared, no Orders of Court afterwards ſhall bind the ſaid Colony, unleſs they be ratified in like Manner in the General Aſſemblies.

In Witneſs whereof we have hereunto ſet our Common Seal, the 24th of *July* 1621, and in the Year of the Reign of our Sovereign Lord, *JAMES*, King of *England* &c. the **** and of *Scotland* the ***.

GRANT

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* M. S. *Officer.*

† M. S. *very and extraordinary important*; which likewiſe makes Senſe, taking *extraordinary* adverbially.

‖ M. S. *for preſent.*

‡ M. S. *Court.*

GRANT *of* NOVA SCOTIA *to Sir* WILLIAM ALEXANDER.

[Memoires de L'Amerique, Tom. II. P. 193.]

JACOBUS, Dei gratia, Magnæ Britanniæ, Franciæ et Hiberniæ Rex, Fideique Defenſor: Omnibus probis hominibus totius terræ ſuæ, clericis et laïcis, SALUTEM. Sciatis nos ſemper ad quamlibet, quæ ad decus et emolumentum regni noſtri Scotiæ ſpectaret, occaſionem amplectendam fuiſſe intentos, nullamqe aut faciliorem aut magis innoxiam acquiſitionem cenſere, quam quæ in exteris & incultis regnis, ubi vitæ et victui ſuppetunt commoda, novis deducendis coloniis facta ſit; præſertim, SI VEL IPSA REGNA CULTORIBUS PRIUS VACUA, VEL AB INFIDELIBUS, quos ad chriſtianam converti fidem ad Dei gloriam intereſt plurimùm, INSESSA FUERINT; ſed cum et alia nonnulla regna, et hœc non ita pridem noſtra Anglia, laudabiliter ſua nomina novis terris acquiſitis et à ſe ſubactis indiderunt, quàm numeroſa et frequens divino beneficio hœc gens hâc tempeſtate ſit nobiſcum reputantes, quàmque honeſto aliquo et utili cultu eam ſtudioſè exerceri, ne in deteriora ex ignaviâ et otio prolabatur, expediat, pleroſque in novam deducendos regionem, quàm coloniis compleant, operæ pretium duximus, qui et animi promptitudine et alacritate, corporumque robore et viribus, quibuſcunque difficultatibus, ſi qui alii mortalium uſpiam, ſe audeant opponere; hunc conatum huic regno maximè idoneum indè arbitramur, quòd virorum tantummodò et mulierum, jumentorum et frumenti, non etiam pecuniæ tranſvectionem poſtulat; neque incommodum, quòd ex ipſius regni mercibus retributionem hoc tempore, cùm negotiatio adeò immunita ſit, poſſit reponere. Hiſce de cauſis, ſicuti & propter bonum fidele & gratum dilecti noſtri conſiliarii domini Willielmi Alexandri Equitis, ſervitium nobis præſtitum et preſtandum, qui propriis impenſis ex noſtratibus primus externam hanc coloniam ducendam conatus ſit, diverſaſque terras infrà deſignatis limitibus circumſcriptas incolendas expetiverit, Nos igitur, ex regali noſtrâ ad chriſtianam religionem propagandam, et opulentiam, proſperitatem pacemque naturalium noſtrorum ſubditorum dicti regni noſtræ Scotiæ acquirendam curâ, ſicuti alii Principes extranei in talibus caſibus hactenus fecerunt, cùm aviſamento et conſenſu præ dilecti noſtri conſanguinei et conſiliarii Joannis Comitis de Mar domini Erſkine et Eareoch, ſummi noſtri Theſaurarii computorum, Rotulatoris, Collectoris ac Theſaurarii novarum noſtrarum augmentationum hujus regni noſtri Scotiæ, ac reliquorum dominorum noſtrorum Commiſſionariorum ejuſdem regni noſtri, dedimus, conceſſimus et diſpoſuimus, tenoreque præſentis chartæ noſtræ damus, concedimus, et diſponimus, præfato domino Willielmo Alexandro hæredibus ſuis vel aſſignatis quibuſcunque hæreditamentis, omnes et ſingulas terras continentis

nentis et inſulas, ſituatas et jacentes in Americâ, intrà caput ſeu promontorium communiter *Cap de Sable* appellatum, jacens propè latitudinem quadraginta trium graduum, aut eò circa ab equinoctiali lineâ verſùs ſeptentrionem, à quo promontorio verſus littus maris tendens ad occidentem ad ſtationem navium Sanctæ Mariæ, vulgò *Sainct Mary's Bay*, et deinceps verſùs ſeptentrionem per directam lineam introitum, ſive oſtium magnæ illius ſtationis navium trajicientem, quæ excurrit in terræ orientalem plagam inter regiones Suriquorum et Hecheminorum vulgò *Souriquois* et *Etchemins*, ad fluvium vulgò nomine Sanctæ Crucis appellatum, et ad ſcaturiginem remotiſſimam ſive fontem ex occidentali parte ejuſdem, qui ſe primum prædicto fluvio immiſcet; unde per imaginariam directam lineam quæ pergere per terram ſeu currere verſùs ſeptentrionem concipietur ad proximam navium ſtationem, fluvium vel ſcaturiginem in magno fluvio de *Canada* ſeſe exonerantem; et ab eo pergendo verſùs orientem per maris oras littorales ejuſdem fluvii de *Canada*, ad fluvium ſtationem navium portum aut littus communiter nomine de *Gachepe* vel *Gaſpé* notum et appellatum; et deinceps verſùs Euronotum ad inſulas *Baccalaos* vel *Cap-Breton* vocatas, relinquendo eaſdem inſulas à dextrâ, et voraginem dicti magni fluvii de *Canada*, ſive magnæ ſtationis navium, et terras de Newfoundland cum inſulis ad eaſdem terras pertinentibus à ſiniſtâ, et deinceps ad Caput ſive Promontorium de *Cap-Breton* prædictum, jacens propè latitudinem quadraginta quinque graduum aut eò circa; et à dicto promontorio de *Cap-Breton* verſùs meridiem et occidentem ad prædictum *Cap de Sable* ubi incepit perambulatio includens et comprehendens intrà prædictas maris oras littorales ac earum circumferentias à mari ad mare, omnes terras continentes cum fluminibus, torrentibus, ſinibus, littoribus, inſulis, aut maribus jacentibus propè aut infrà, ſex leucas ad aliquam earumdem partem, ex occidentali, boreali vel orientali partibus orarum littoralium et præcinctuum earumdem, & ab Euronoto ubi jacet *Cap-Breton*, et ex auſtrali parte ejuſdem (ubi eſt *Cap de Sable*) omnia maria ac inſulas verſùs meridiem intrà quadraginta leucas dictarum orarum littoralium earumdem, magnam inſulam vulgariter appellatam *Iſle de Sable* vel *Sablon* includendo, jacentem verſùs Carban, vulgo ſouth ſouth eaſt, circa triginta leucas à dicto *Cap-Breton* in mari, et exiſtentem in latitudine quadraginta quatuor graduum aut eò circa. Quæ quidem terræ prædictæ omni tempore futuro, nomine Novæ Scotiæ in Americâ gaubebunt, quas etiam præfatus dominus Willielmus in partes et portiones ſicut ei viſum fuerit dividet, iiſdemque nomina pro beneplacito imponet, unà cum omnibus fodinis tàm regalibus auri et argenti, quàm aliis fodinis ferri, plumbi, cupri, ſtanni, æris, ac aliis mineralibus quibuſcunque, cum poteſtate effodiendi et de terra effodere cauſandi, purificandi, et repurgandi eaſdem, et convertendi ac utendi ſuo proprio uſui, aut aliis uſibus quibuſcunque, ſicuti dicto domino Willelmino Alexandro hæredibus ſuis, vel aſſignatis, aut iis quos ſuo loco in dictis terris ſtabilire ipſum contigerit, viſum fuerit, reſervando ſolummodò nobis et ſucceſſoribus noſtris decimam partem

tem metalli vulgò *Oare*, auri et argenti quòd ex terrâ in poſterùm effodietur aut lucrabitur, relinquendo dicto domino Willielmo ſuiſque prædictis, quodcunque ex aliis metallis cupri, chalybis, ferri, ſtanni, plumbi, aut aliorum mineralium nos vel ſucceſſores noſtri quovis modi exigere poſſumus, ut eo facilius magnos ſumptus in extrahendis præfatis metallis tolerare poſſit, unà cum margaritis vulgò *pearle*, ac lapidibus pretioſis, quibuſcunque aliis lapidibus, ſylvis, virgultis, boſcis, mareſcis, lacubus, aquis, piſcationibus, tàm in aquâ ſalſâ quàm recenti, tàm regalium piſcium quam aliorum, venatione, aucupatione, commoditatibus et hæreditamentis quibuſcunque, unâ cum plenariâ poteſtate, privilegio et juriſdictione liberâ regalitatis, Capellæ et Cancellariæ, in perpetuum; cumque donatione et Patronatûs jure Eccleſiarum Capellaniarum, et Beneficiorum, cùm tenentibus, tenandriis et liberè tenentium ſervitiis earumdem, unà cum officiis Juſticiariæ et Admiralitatis reſpectivè infrà omnes bondas reſpectivè ſupramentionatas; unà cum poteſtate civitates, liberos burgos, liberos portus, villas et burgos Baroniæ, erigendi, ac fora et nundinas infrà bondas dictarum terrarum conſtituendi, curias juſticiariæ et admiralitatis infrà limites dictarum terrarum, fluviorum, portuum et marium tenendi, unà etiam cum poteſtate imponendi, levandi et recipiendi omnia telonia, cuſtumas, anchoragia, aliaſque dictas burgorum fororum, nundinarum et liberorum portuum devorias, et eaſdem poſſidendi et gaudendi adeò liberè in omnibus reſpectibus, ſicuti quivis Baro major aut minor in hoc regno noſtro Scotiæ gaviſus eſt aut gaudere poterit quovis tempore præterito aut futuro, cum omnibus aliis prærogativis, privilegiis, immunitatibus, dignitatibus, caſualitatibus, proficuis et devoriis ad dictas terras, maria et bondas earumdem ſpectantibus et pertinentibus, et quæ nos ipſi dare et concedere poſſumus adeò liberâ et amplâ formâ, ſicuti nos, ut aliquis noſtrorum nobilium Progenitorum, aliquas chartas, patentes litteras, infeofamenta, donationes aut diplomata conceſſerunt cuivis ſubdito noſtro, cujuſcunque qualitatis aut gradûs, cuivis ſocietati aut communitati tales colonias in quaſcunque partes extraneas deducendi, aut terras extraneas inveſtigandi, in adeò liberâ et amplâ forma, ſicuti eadem in hâc præſenti charta noſtra inſereretur. Facimus etiam, coſtituimus et ordinamus dictum dominum Willielmum Alexandrum, hæredes ſuos, aut affignatos, vel eorum deputatos, noſtros hæreditarios Locum-tenentes generales, ad repreſentandum noſtram perſonam Regalem, tàm per mare quàm per terram, in regionibus, maris oris ac finibus predictis, in petendo dictas terras, quamdiù illic manſerit, et redeundo ab eiſdem, ad gubernandum et regendum & puniendum omnes noſtros ſubditos, quos ad dictas terras ire aut eaſdem inhabitare contigerit, aut qui negotiationem cum eiſdem ſuſcipient, vel in iiſdem locis remanebunt, ac eiſdem ignoſcendum; et ad ſtabilendum tales leges, ſtatuta, conſtitutiones, directiones, inſtructiones, formas gubernandi, et Magiſtratuum ceremonias infrâ dictas bondas, ſicuti ipſi eomino Willielmo Alexandro, aut ejus prædictis ad gubernationem dictæ regionis et ejuſdem incolarum, in omnibus cauſis tam

criminalibus

criminalibus quam civilibus viſum fuerit; et eaſdem leges, regimina, formas et ceremonias alterandum et mutandum, quoties ſibi vel ſuis prædictis pro bono et commodo dictæ regionis placuerit, ità ut leges tam legibus hujus regni noſtri Scotiæ, quàm fieri poſſunt, ſint concordes. Volumus etiam ut in caſu rebellionis aut ſeditionis, legibus utatur militaribus adverſùs delinquentes vel imperio ipſius ſeſe ſubſtrahentes, adeo liberè, ſicuti aliqui Locum-tenentes cujuſvis regni noſtri vel dominii, virtute officii Locum-tenentis, habent vel habere poſſunt, excludendo omnes alios Officiarios hujus regni noſtri Scotiæ, terreſtres vel maritimos qui in poſterum aliquid juris *Clame*, commoditatis, authoritatis, aut intereſſe in et ad dictas terras aut provinciam prædictam vel aliquam inibi juriſdictionem, virtute alicujus præcedentis diſpoſitionis aut diplomatis pretendere poſſint; et ut viris honeſto loco natis ad expeditionem iſtam ſubeundam, et ad coloniæ plantationem in dictis terris, addatur animus, Nos pro nobis noſtriſque ſucceſſoribus et hæredibus, cum aviſamento et conſenſu prædictis, virtute præſentis cartæ noſtræ damus et concedimus liberam et plenariam poteſtatem præfato domino Willielmo Alexandro ſuiſque prædictis, conferendi favores, privilegia, munia, et honores in demerentes, cum plenariâ poteſtate eiſdem aut eorum alicui quos cum ipſo domino Willielmo, ſuiſque prædictis, pactiones vel contractus facere pro eiſdem terris contigarit ſub ſubſcriptione ſuâ vel ſuorum prædictorum, et ſigillo infrà mentionato, aliquam portionem vel portiones dictarum terrarum, portuum, navium, ſtationum, fluviorum, aut præmiſſorum alicujus partis, diſponendi, et extradonandi, erigendi etiam omni generum machinas, artes, facultates vel ſcientias, aut eaſdem coercendi in toto vel in parte, ſicuti ei pro bono ipſorum viſum fuerit, dandi etiam, concedendi et attribuendi talia officia, titulos, jura et poteſtates, conſtituendi et deſignandi tales Capitaneos, Officiarios, Balivos, Gubernatores, omneſque alios regalitatis, baroniæ et burgi Officiarios, alioſque Miniſtros pro adminiſtratione juſticiæ infrà bondas dictarum terrarum, aut in viâ dùm terras iſtas petunt per mare et ab eiſdem redeunt, ſicuti ei neceſſarium videbitur ſecundum qualitates, conditiones, et perſonarum merita, quas in aliquâ coloniarum dictæ provinciæ, aut aliquâ ejuſdem parte habitare contigerit, aut quæ ipſorum bona vel fortunas pro commodo et incremento ejuſdem periculo permittent, et eaſdem ab officio removendi, alterandi et mutandi, prout ei ſuiſque præſcriptis expediens videbitur; et cum hujus conatus non ſine magno labore et ſumptibus fiant, magnamque pecuniæ largitionem requirant, adeò ut privati cujuſvis fortunas excedant et multorum ſuppetiis indigeant, ob quam cauſam præfatus dominus Willielmus Alexander, ſuique præſcripti, cum diverſis noſtris ſubditis aliiſque pro particularibus periclitationibus et ſuſceptionibus ibidem, qui fortè cum eo ſuiſque hæredibus aſſignatis vel deputatis pro terris, piſcationibus, mercimoniis aut populi tranſportatione, cum ipſorum pecoribus, rebus et bonis verſus dictam Novam Scotiam contractus inibunt, Volumus ut quicunque tacontractus cum dicto domino Willielmo, ſuiſque prædictis, ſub ipſorum ſubſcriptioni-

bus et ſigillis expedient, limitando, aſſignando et affigendo diem et locum pro perſonarum et bonorum et rerum ad navem deliberatione, ſub penâ, et forisfacturâ cujuſdam monetæ ſummæ et eoſdem contractus non perficient, ſed ipſum fruſtrabunt, et in itinere deſignato ei nocebunt, quòd non parvo dicto domino Willielmo, ſuiſque prædictis, poterit eſſe prejudicio et nocumento, verùm etiam noſtræ tam laudabili intentioni obſtabit et detrimentum inferet, tum licitum erit præfato domino Willielmo, ſuiſque prædictis, vel eorum deputatis et conſervatoribus infrà mentionatis, in eo caſu, ſibi ſuiſque prædictis, quos ad hunc effectum ſubſtituet, omnes tales ſummas monetæ, bona, res forisfactas per talium contractuum violationem, aſſumere; quòd ut faciliùs fiat et legum prolixitas evitetur, dedimus et conceſſimus, tenoreque præſentis cartæ noſtræ damus et concedimus, plenam licentiam, libertatem et poteſtatem dicto domino Willielmo, ſuiſque hæredibus et aſſignatis prædictis eligendi, nominandi, et aſſignandi, et ordinandi libertatum et privilegiorum, per preſentem cartam noſtram ſibi ſuiſque prædictis conceſſorum, Conſervatorem, qui expeditæ executioni leges et ſtatuta per ipſum ſuoſque prædictos facta, ſecundùm poteſtatem ei ſuiſque prædictis per dictam noſtram chartam conceſſam, demandet, volumuſque et ordinamus poteſtatem dicti Conſervatoris in actionibus et cauſis ad perſonas verſùs dictam plantationem contrahentes ſpectantibus, abſolutam eſſe, ſine ullâ appellatione aut procraſtinatione quacunque; qui quidem Conſervator poſſidebit et gaudebit omnia privilegia immunitates, libertates et dignitates quaſcunque, quæ quivis Conſervator Scoticorum privilegiorum apud Extraneos vel in Galliâ, Flandriâ aut alibi hactenùs poſſederunt aut gaviſi ſunt, quovis tempore præterito; et licet omnes tales contractus inter dictum dominum Willielmum, ſuoſque prædictos, et prædictos periclitatores per periclitationem et tranſportationem populorum, cum ipſorum bonis et rebus ad ſtatutum diem perficientur, et ipſi cum ſuis omnibus pecoribus et bonis ad littus illius provinciæ animo coloniam ducendi et remanendi appellent, et nihilominùs poſteà vel omninò provinciam Novæ Scotiæ et ejuſdem confinia ſine licentiâ dicti domini Willielmi, ejuſque prædictorum vel eorum deputatorum, vel ſocietatem et coloniam prædictam ubi primum combinati et conjuncti fuerint derelinquent, et ad agreſtes Indigenas in locis remotis et in deſertis habitandum ſeſe conferent, quòd tunc amittent et forisfacient omnes terras ipſis priùs conceſſas, omna etiam bona infrà omnes prædictas bondas, et licitum erit prædicto domino Willielmo, ſuiſque prædictis, eadem fiſco applicare, et eaſdem terras recognoſcere, eademque omnia ad ipſos vel eorum aliquem quovis modo ſpectantia poſſidere, et ſuo peculiari uſui ſuorumque prædictorum convertere; et ut omnes dilecti noſtri ſubditi, tam regnorum noſtrorum et dominiorum, quam extranei alii, quos ad dictas terras aut aliquam earumdem partem ad mercimonia contrahenda navigare contigerit, meliùs ſciant, et obedientes ſint poteſtati et authoritati per nos in prædictum fidelem noſtrum Conſiliarium dominum Willielmum Alexandrum ſuoſque prædictos collatis in omnibus talibus commiſſionibus,

warrantiis,

warrantiis, contractibus, quos quovis tempore futuro faciet, concedet et conſtituet pro decentiori et validiori conſtitutione officiariorum, pro gubernatione dictæ coloniæ conceſſione terrarum et executione juſtitiæ dictos inhabitantes, periclitantes, deputatos, factores vel aſſignatos tangente, in aliquâ terrarum parte, vel in navigatione ad eaſdem terras, Nos cum aviſamento et conſenſu prædictis, ordinamus quòd dictus dominus Willielmus Alexander, ſuique prædicti unum communè ſigillum habebunt, ad officium Locum-tenentis juſticiariæ et admiralitatis ſpectans, quòd per dictum dominum Willielmum Alexandrum ſuoſque predictos, vel per deputatos ſuos omni tempore affuturo cuſtodietur, in cujus uno latere noſtra inſignia inſculpentur, cum his verbis in ejuſdem circulo et margine: *Sigillum Regis Scotiæ, Angliæ, Franciæ et Hiberniæ*, et in altero latere, imago noſtra noſtrorumque ſucceſſorum cum his verbis *(pro Novæ Scotiæ Locum-tenente)*, cujus juſtum exemplar in manibus ac cuſtodiâ dicti Conſervatoris remanebit quo, pro ut occaſio requiret, in officio ſuo utetur; et cum maximè neceſſarium ſit ut omnes dilecti noſtri ſubditi, quotquot dictam provinciam novæ Scotiæ vel ejus confines incolent, in timore omnipotentis Dei, et vero ejus cultu ſimul vivant, omni conamine intendentes chriſtianam Religionem ibi ſtabilire, pacem etiam et quietem cum inhabitantibus incolis et agreſtibus Aboriginibus earumdem terrarum colere, undè ipſi et eorum quilibet mercimonia ibi exercentes tutè cum oblectamento ea quæ magno cum labore et periculo acquiſiverunt quietè poſſidere poſſint, Nos pro nobis noſtriſque ſucceſſoribus volumus, nobiſque viſum eſt per præſentis cartæ noſtræ tenorem dare et concedere dicto domino Willielmo Alexandro, ſuiſque prædictis, et eorum deputatis vel quibuſlibet aliis Gubernatoribus, Officiariis et Miniſtris, quos ipſi conſtituent, liberam et abſolutam poteſtatem tractandi et pacem, affinitatem, amicitiam, mutua colloquia, operam, ac communicationem cum agreſtibus illis aboriginibus, et eorum principibus vel quibuſcunque aliis regimen et poteſtatem in ipſos habentibus contrahendi, obſervandi et alendi tales affinitates et colloquia, quæ ipſi vel ſui prædicti cum iis contrahent, modo fœdera illa ex adverſâ parte per ipſos Sylveſtres fidelitur obſerventur; quòd niſi fiat arma contra ipſos ſumendi quibus redigi poſſunt in ordinem ſicuti dicto Willielmo ſuiſque prædictis et deputatis, pro honore, obedientia et Dei ſervitio, ac ſtabilimento, defenſione et conſervatione authoritatis noſtræ inter ipſos expediens videbitur, cum poteſtate etiam prædicto domino Willielmo Alexandro ſuiſque prædictis, per ipſos vel eorum deputatos, ſubſtitutos vel aſſignatos, pro ipſorum defenſione, tutelâ, omni tempore et omnibus juſtis occaſionibus in poſterùm aggrediendi ex inopinato, invadendi, expellendi et armis repellendi, tam per mare, quam per terram, omnibus modis, omnes et ſingulos, qui ſine ſpeciali licentiâ dicti domini Willelmi ſuorumque prædictorum terras inhabitare aut mercaturam facere in dictâ Novæ Scotiæ provinciâ aut quâvis ejus parte conabuntur, et ſimiliter omnes alios quoſcunque qui aliquid damni, detrimenti, deſtructionis, læſionis vel invaſionis contra provinciam illam aut ejuſdem in-

colas inferre præſument. Quòd ut faciliùs fiat, licitum erit dicto domino Willielmo ſuiſque prædictis eorum deputatis, factoribus et aſſignatis, contributiones à periclitantibus et incolis ejuſdem levare, in unum cogere, per proclamationes vel alio quovis ordine talibus temporibus, ſicuti dicto domino Willielmo ſuiſque predictis expediens videbitur, omnes noſtros ſubditos infrà dictos limites dictæ provinciæ novæ Scotiæ inhabitantes, et mercimonia ibidem exercentes convocare pro meliore exercitio, neceſſariorum ſupplemento, et populi et plantationis dictarum terrarum augmentatione et incremento, cum plenariâ poteſtate, privilegio et libertate dicto domino Willielmo Alexandro ſuiſque prædictis, per ipſos vel eorum ſubſtitutos, per quævis maria ſub noſtris inſignibus et vexillis navigandi, cum tot navibus tanti oneris, et tam benè munitione viris et victualibus inſtructis, ſicuti poterunt parare quovis tempore, et quoties eis videbitur expediens; ac omnes cujuſcunque qualitatis et gradûs perſonas ſubditos noſtros exiſtentes aut qui imperio noſtro ſeſe ſubdere ad iter illud ſuſcipiendum voluerint, cum ipſorum jumentis, equis, bobus, ovibus, bonis et rebus omnibus, munitionibus, machinis, majoribus armis et inſtrumentis militaribus quotquot voluerint, aliiſque commoditatibus et rebus neceſſariis pro uſu ejuſdem coloniæ, mutuo commercio cum nativis inhabitantibus earum provinciarum, aut aliis qui cum ipſis plantationibus mercimonia contrahant, tranſportandi; et omnes commoditates et mercimonia, quæ iis videbuntur neceſſaria, in regnum noſtrum Scotiæ, ſine alicujus taxationis, cuſtumæ, aut impoſitionis pro eiſdem ſolutione nobis vel noſtris cuſtumariis aut eorum deputatis inde portandi, eoſdem ab eorum officiis in hac parte pro ſpatio ſeptem annorum diem datæ preſentium immediatè ſequentium inhibendo. Quam quidem ſolam commoditatem per ſpatium tredecim annorum in poſterum liberè conceſſimus, tenoreque præſentes chartæ noſtræ concedimus et diſponimus dicto domino Willielmo, ſuiſque prædictis, ſecundum proportionem quinque procentum, poſteà mentionatam; et poſt tredecim illos annos finitos licitum erit nobis noſtriſque ſucceſſoribus, ex omnibus bonis et mercimoniis quæ ex hoc regno noſtro Scotiæ ad eamdem provinciam, vel ex ea provincia ad dictum regnum noſtrum Scotiæ exportabuntur vel importabuntur, in quibuſvis hujus regni noſtri portibus per dictum Willielmum ſuoſque prædictos, tantum quinque libras pro centum ſecundum antiquum negociandi morem, ſine ullâ aliâ impoſitione, taxatione, cuſtumâ vel devoriâ ab ipſis in perpetuum levare et exigere; quæ quidem ſumma quinque librarum pro centum, cum ſit ſoluta per dictum dominum Willielmum ſuoſque prædictos, noſtris Officiariis ad hunc effectum conſtitutis; exindè licitum erit dicto domino Willielmo ſuiſque prædictis eadem bona de noſtro hoc regno Scotiæ, in quaſvis alias partes vel regiones extraneas, ſine alicujus alterius cuſtumæ, taxationis vel devoriæ ſolutione nobis vel noſtris hæredibus aut ſucceſſoribus aut aliquibus aliis, tranſportare et avehere, proviſo tamen quod dicta bona infrà ſpatium tredecim menſium poſt ipſarum, in quovis hujus regni noſtri portu appulſionem navi rurſus imponantur: Dando et concedendo abſolutam

lutam et plenarium poteſtatem dicto domino Willielmo ſuiſque prædictis, ab omnibus noſtris ſubditis qui colonias deducere, mercimonia exercere, aut ad eaſdem terras Novæ Scotiæ, et ab eiſdem navigare voluerint, præter dictam ſummam nobis debitam, pro bonis et mercimoniis quinque libras de centum vel ratione exportationis ex hoc regno noſtro Scotiæ, ad provinciam Novæ Scotiæ vel importationis à dicta provincia ad regnum hoc noſtrum Scotiæ predictæ, in ipſius ejuſque prædictorum proprios uſus ſumendi, levandi, et recipiendi, et ſimiliter de omnibus bonis et mercimoniis, quæ per dictos noſtros ſubditos coloniarum ductores, negotiatores et navigatores de dicta provincia Novæ Scotiæ, ad quævis noſtra dominia aut alia quævis loca exportabuntur, vel à noſtris regnis et aliis locis ad dictam Novam Scotiam importabuntur, ultrà et ſuprà dictam ſummam nobis deſtinatam quinque libras de centum, et de bonis et mercimoniis omnium extraneorum aliorumque ſub noſtra obedientia minimè exiſtentium, quæ vel de provincia Novæ Scotiæ exportabuntur, vel ad eamdem importabuntur, ultrà et ſuprà dictam ſummam nobis deſtinatam, decem libras de centum dicti domini Willielmi ſuorumque prædictorum, propriis uſibus per tales Miniſtros, Officiarios vel Subſtitutos eorumve deputatos aut factores, quos ipſi ad hunc effectum conſtituent et deſignabunt, levandi, ſumendi et recipiendi, pro meliori dicti domini Willielmi ſuorumque prædictorum, aliorumque omnium dictorum noſtrorum ſubditorum, qui dictam Novam Scotiam inhabitare, vel ibidem mercimonia exercere voluerint, ſecuritate et commoditate, et generaliter omnium aliorum qui noſtræ authoritati et poteſtati ſeſe ſubdere non gravabuntur, nobis viſum eſt, volumuſque quod licitum erit dicto domino Willielmo ſuiſque prædictis, unum aut plura munimina, propugnacula, caſtella, loca fortia, ſpecula, armamentaria, *the blockhouſes*, aliaque ædificia cum portubus et navium ſtationibus ædificare vel ædificari cauſare, unà cum navibus bellicis, eaſdemque pro deffenſione dictorum locorum applicare, ſicuti dicto domino Willielmo ſuiſque prædictis, pro dicto conamine perficiendo neceſſarium videbitur, proque ipſorum deffenſione militum catervas ibidem ſtabilire, præter prædicta ſuprà mentionata, et generaliter omnia facere quæ pro conqueſtu, augmentatione populi, inhabitatione, præſervatione et gubernatione dictæ Novæ Scotiæ, ejuſdemque orarum et territorii infrà omnes hujus limites pertinentias et dependentias ſub noſtro nomine et authoritate, quodcunque, nos ſi perſonaliter eſſemus præſentes facere poterimus, licet caſus ſpecialem et ſtrictam magis ordinationem, quam per præſentes præſcribitur, requirat; cui mandato volumus et ordinamus, ſtrictiſſimèque præcipimus omnibus noſtris Juſticiariis, Officiariis et ſubditis ad loca illa ſeſe conferentibus ut ſeſe applicent, dictoque domino Willielmo ſuiſque prædictis, in omnibus et ſingulis ſupramentionatis earum ſubſtantiis, circumſtantiis et dependentiis intendant et obediant, eiſque in earum executione in omnibus adeò ſint obedientes ut nobis cujus perſonam repræſentat, eſſe deberent, ſub pœnn diſobedientiæ et rebellionis; et quia fieri poteſt quodquidam ad dicta loca tranſportandi refractorii ſint, et ad eadem loca ire recuſabunt, aut dicto domino Willielmo ſuiſque prædictis reſiſtent, Nobis igitur placet quòd omnes Vice

comites

comites, Seneſcali, regalitatis Balivi, pacis Juſticiarii, Præpoſiti, et urbium Balivi, eorumque officiarii et juſtitiæ Miniſtri quicunque, dictum dominum Willielmum ſuoſque deputatos, alioſque prædictos in omnibus et ſingulis legitimus rebus, et factis quæ facient aut intendent ad effectum prædicti, ſimiliter et eodem modo ſicuti noſtrum ſpeciale warrantum ad hunc effectum, haberent aſſiſtent, fortificent, et eiſdem ſuppetias ferant. Declarammus inſuper per præſentis chartæ noſtræ tenorum omnibus chriſtianis Regibus, Principibus et Statibus, quòd ſi aliquis vel aliqui, qui in poſterùm in dictis coloniis vel de earum aliquâ ſit in dictâ provinciâ Novæ Scotiæ, vel aliqui alii ſub eorum licentia vel mandato quovis tempore futuro piraticam exercentes per mare vel terram, bona alicujus abſtulerint, vel aliquod injuſtum aut moleſtum hoſtiliter commiſerint contra aliquos noſtros noſtrorum hæredum et ſucceſſorum, aut aliorum Regum, Principum, Gubernatorum aut ſtatuum in fœdere nobiſcum exiſtentium ſubditos, quòd talia bona ſic oblata, aut juſta querela deſuper mota per aliquem Regem, Principem, Gubernatorem, Statum vel eorum ſubditos prædictos, nos noſtri hæredes et ſucceſſores publicas proclamationes fieri curabimus in aliqua parte dicti regni noſtræ Scotiæ ad hunc effectum magis commoda, ut dictus pirata vel piratæ, qui tales rapinas committent ſtatu tempore per præfatas proclamationes limitando, plenariè reſtituant quæcunque bona ſic ablata, et pro dictis injuriis omnimodo ſatisfaciant, ità ut dicti Principes, aliique ſic conquerentes ſatisfactos ſe eſſe reputent, et quòd ſi talia facinora committent, bona ablata non reſtituent aut reſtitui facient infrà limitatum tempus, quòd tunc in poſterùm ſub noſtrâ protectione et tutelâ minime erunt, et quòd licitum erit omnibus Principibus, aliiſque prædictis, delinquentes eos hoſtiliter proſequi et invadere ; et licet neminem nobilem aut generoſum de patriâ hac ſine licentia noſtra decedere ſtatutum ſit, nihilominùs volumus quòd præſens hoc diploma ſufficiens erit licentia et warrantum omnibus qui huic itineri ſeſe committent qui læſæ Majeſtatis non ſunt rei vel aliquo alio ſpeciali mandato inhibiti, atque etiam per præſentis chartæ tenorem declaramus, volumuſque, quod nemo de patria hac decedere permittatur verſùs dictam Novam Scotiam in illo tempore, niſi ii qui juramentum ſupremitatis noſtræ primum ſuſceperunt, ad quem effectum nos per præſentes dicto domino Willielmo, ſuiſque prædictis vel eorum conſervatori, vel deputatis idem hoc juramentum omnibus perſonis verſus illas terras in ea colonia ſeſe conferentibus requirere et exhibere plenariam poteſtatem et autoritatem damus et concedimus ; prætereà nos cum aviſamento et conſenſu prædicto pro nobis et ſucceſſoribus noſtris declaramus, decernimus et ordinamus, quod omnes noſtri ſubditi, qui ad dictam Novam Scotiam proficiſcentur aut eam incolent, eorumque omnes liberi et poſteritas qui ibi naſci contigerint, aliique omnes ibidem periclitantes habebunt et poſſidebunt omnes libertates, immunitates et privilegia liberorum et naturalium ſubditorum noſtri regni Scotiæ, aut aliorum noſtrorum dominiorum, ſicuti ibidem nati fuiſſent. Inſuper nos pro nobis et ſucceſſoribus noſtris, damus et concedimus dicto

domino

dómino Willielmo Alexandro, ſuiſque prædictis, liberam poteſtatem ſtabiliendi et cudere cauſandi monetam pro commercio liberiori inhabitantium dictæ provinciæ, cujuſvis metalli, quo modo et qua forma voluerint et eiſdem præſcribent ; atque etiam ſi quæ quæſtiones aut dubia ſuper interpretatione aut conſtructione alicujus clauſulæ in hac præſenti chartâ noſtra contentæ occurrent, ea omnia ſumentur et interpretabuntur in ampliſſima forma et in favorem dicti domini Willielmi, ſuorumque prædictorum. Præterea nos ex certa noſtra ſcientia, proprio motu, autoritate regali et poteſtate regia, fecimus, univimus, annexavimus et ereximus, creavimus, et incorporavimus, tenoreque præſentis chartæ noſtræ, facimus, unimus, annexamus, erigimus, creamus et incorporamus totam et integram prædictam provinciam et terras Novæ Scotiæ, cum omnibus eareumdem limitibus maribus ac mineralibus auri et ærgenti, plumbi, cupri, chalybis, ſtanni, æris, ferri, aliiſque quibuſcumque fodinis, margaritis, lapidibus pretioſis, lapidibus, ſilvis, virgultis, boſcis, mareſcis, læcubus, æquis, piſcationibus, tam in aquis dulcibus quam ſalſis tam regalium piſcium quam aliorum, civitatibus liberis, portubus liberis, burgis, urbibus, Baroniæ burgis, maris portubus, anchoragiis, machinis, molendinis, officiis et juriſdictionibus, omnibuſque aliis generaliter et particulariter ſupra mentionatis, in unum integrum et liberum dominium et baroniam per prædictum nomine Novæ Scotiæ omnitempore futuro appellandum ; volumuſque et concedimus, ac pro nobis et ſucceſſoribus decernimus et ordinamus quod unica ſeiſina nunc per dictum dominum Willielmum ſuoſque prædictos, omni tempore affuturo ſuper aliquam partem fundi dictarum terrarum et provinciæ præſcriptæ, ſtabit et ſufficiens erit ſeiſina pro totâ regione, cum omnibus partibus, pendiculis, privilegiis, caſualtatibus, libertatibus et immunitatibus ejuſdem ſuprà mentionatis, abſque aliquâ aliâ ſpeciali aut particulari ſeiſinâ per ipſum, ſuoſque prædictos, apud aliam aliquam partem vel ejuſdem locum capiendâ ; penes quàm ſeiſinam omniaque quæ indè ſecuta ſunt aut ſequi poſſunt ; nos cum aviſamento et conſenſu prædicto pro nobis et ſucceſſoribus noſtris diſpenſavimus, tenoreque præſentis chartæ noſtræ modo ſubtùs mentionato diſpenſamus, in perpetuum tenendi et habendi in totum et integrum dictam regionem et dominium Novæ Scotiæ, cum omnibus ejuſdem limitibus infra prædicta maria, mineralibus auri et argenti, cupri, chlaybis, ſtanni, ferri, æris, aliiſque quibuſcunque fodinis, margaritis, lapidibus pretioſis, lapidibus, ſylvis, virgultus, boſcis, mareſcis, lacubus, aquis, piſcationibus, tam in aquis dulcibus quam ſalſis, tam regalium piſcium quàm aliorum, civitatibus liberis, burgis, liberis portubus, urbibus, Baroniæ burgis, maris portubus, anchoragiis, machinis, molendinis, officiis et juriſdictionibus, omnibuſque aliis generaliter, et particulariter ſuprà mentionatis, cumque omnibus alliis priveligiis, libertatibus, immunitatibus, caſualitatibus, aliiſque ſuprà expreſſis præfato domino Willielmo Alexandro, hæredibus ſuis et aſſignatis, de nobis noſtriſque ſucceſſoribus in feodo, hæreditate, libero dominio, libera

baronia

baronia et regalitate in perpetuum, modo ſuprà mentionato, per omnes rectas metas et ſuos limites, prout jacent in longitudine et latitudine, in domibus, ædificiis ædificatis et ædificandis, boſtis, planis, boſcis, mareſcis, viis ſemitis, aquis, ſtagnis, rivulis, pratis, paſcuis et paſturis, molendinis, multurus et eorum ſequelis, aucupationibus, venationibus, piſcationibus, petadiis, turbariis, carbonibus, carbonariis, cuniculis, cuniculariis, columbis, columbariis, fabrilibus, braſinis, brueriis et geniſtis, ſylvis, nemoribus et virgultus lignis, lapicidinis, lapide et calce, cum curiis et earum exitibus, hæregeldis, bludvillis, et mulierum merchetis cum furcâ foſſâ, *ſok*, *ſak*, *thole*, *thane*, *infangthief*, *out fangthief*, *out*, *wrark*, *wavi*, *weck*, *venyſone*, *pit & gallous*, ac cum omnibus aliis et ſingulis libertatibus, commoditatibus, proficuis, aiſamentis ac juſtis ſuis pertinantibus quibuſcumque, tam non nominatis quàm nominatis, tàm ſubtùs terram quàm ſuprà terram, procul vel propè ad prædictam regionem ſpectantibus, ſeu juſtè ſpectare valentibus, quomodò libet in futurum liberè, quietè, plenariè, integre, honorifice, bene et in pace, abſque ullâ revocatione, contradictione, impedimento aut obſtaculo aliquali; ſolvendo inde, annuatim dictus, dominus Willielmus Alexander ſuique prædicti nobis noſtriſque, hæredibus et ſucceſſoribus, unam denarium monetæ Scotiæ ſuperfundum dictarum terrarum et provinciæ Novæ Scotiæ ad feſtivum Nativitatis Chriſti, nomine *Albæ firmæ*, ſi petatur tantùm. Et quia tentione dictarum terrarum et provinciæ Novæ Scotiæ, et Albâ firmâ prædicta deficiente, tempeſtivo et legitimo introitu cujuſves hæredis vell hæredum dum dicti domini Willielmi ſibi ſuccedentium, quòd difficulter per ipſos præari poteſt ob longinquam diſtantiam ab hoc regno noſtro, cadent terræ et provinciæ, ratione non introitus, in manibus noſtris noſtrorumque ſucceſſorum uſquè ad legitimum legitimi hæredis introitum; et nos nolentes dictas terras et regionem quovis tempore in non introitu cadere, neque dictum dominum Willielmum ſuoſque prædictos beneficiis et proficuis ejuſdem eatenus fruſtrari, idcircò nos cum aviſamento prædicto cum dicto introitu, quandocunque contigerit, diſpenſavimus tenoreque præſentis chartæ noſtræ pro nobis et ſucceſſoribus noſtris diſpenſamus, ac etiam renuntiavimus et exoneravimus, tenoreque ejuſdem chartæ noſtræ, cum conſenſu prædicto, renuntiamus, et exoneramus dictum dominum Willielmum ejuſque præſcriptos circà præfatum non introitum dictæ provinciæ et regionis, quandocunque in manibus noſtris deveniet, aut ratione non introitus cadet, cum omnibus quæ de ſuper ſequi poſſunt; proviſo tamen quòd dictus dominus Willielmus, ſuique hæredes et aſſignati, infrà ſpatium ſeptem annorum poſt deceſſum et obitum ſuorum predeceſſorum aut introitum ad poſſeſſionem dictarum terrarum aliorumque prædictorum, per ipſos vel eorum legitimos poſſeſſores ad hunc effectum poteſtatem habentes, nobis noſtriſque ſucceſſoribus homagium faciant, et dictas terras dominium et baroniam aliaque prædicta adeant, et per nos recipiantur ſecundùm leges et ſtatuta dicti regni noſtri Scotiæ Denique nos pro nobis and ſucceſſoribus noſtris, volumus, decernimus et ordinamus

præſentem

præſentem hanc noſtram chartam, et infeofamentum ſupraſcriptum prædictarum terrarum dominii et regionis Novæ Scotiæ privilegia et libertates ejuſdem, in proximo noſtro Parliamento dicti regni noſtri Scotiæ, cum contigerit, ratificari, approbari et confirmari, ut vim et efficaciam decreti inibi habeat, penes quòd pro nobis et ſucceſſoribus noſtris declaramus hanc noſtram chartam forè, ſufficiens warrantum, et in verbo Principis eamdem ibi ratificari et approbari promittimus, atque etiam alterare, renovare, et eamdem in ampliſſimâ formâ erigere et extendere, quoties dicto domino Willielmo, ejuſque prædictis, neceſſarium et expediens videbitur. Inſuper nobis viſum eſt, ac mandamus et præcipimus dilectis noſtris . . . . .

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Vice comitibus noſtris in hâc parte ſpecialiter conſtitutis, quatenùs poſt hujus chartæ noſtræ, noſtro ſub magno ſigillo aſpectum, ſtatum et ſeiſinam actualem et realem præfato domino Willielmo, ſuiſque prædictis, eorumve actornato vel actornatis, terrarem dominii baroniæ aliorumque prædictorum, cum omnibus libertatibus, privilegiis, immunitatibus, aliiſque ſuprà expreſſis, dare et concedere, quam ſeiſinam nos per præſentes chartæ noſtræ tenorum adeò legitimam et ordinariam eſſe declaramus, ac ſi præceptum ſub teſtimonio noſtri magni ſigilli in ampliſſimâ formâ cum omnibus clauſulis requiſitis ad hunc effectum prædictum haberet, penes quod pro nobis et ſucceſſoribus noſtris in perpetuum diſpenſamus. In cujus rei teſtimonium huic præſenti chartæ noſtræ magnum ſigillum noſtrum apponi præcepimus: teſtibus prædilectis noſtris Conſanguineis et Conciliariis, Jacobo Marchione de Hamiltone, Comite Arcaniæ, domino Evan; Georgio Mareſcalli, Comite, domino Keith, &c. regni noſtri Mareſcallo; Alexandro Comite de Dumfermline domino Fyerie, et noſtro Cancellario; Thoma Comite de Melroſs, et noſtro Secretario; dilectis noſtris Familiaribus Conſiliariis dominis Ricardo Cockburne, Juniori, de Clerkington, noſtri ſecreti ſigilli Cuſtodi; Georgio Stay de Kinfarms, noſtrorum Rotulorum regiſtri ac conſilii Clerico, et Joanne Scott de Scottiſtarvit, noſtræ Cancellariæ Directore, militibus. Apud Caſtellum noſtrum de Windſore, decimo die menſis Septembris, anno Domini milleſimo ſexcenteſimo vigeſimo primo, regnorumque noſtrorum annis quinquageſimo quinto et decimo nono per ſignaturam manu. S. D. N. Regis ſuprà ſcripti, ac manibus Cancellarii Theſaurarii Principis Secretarii, ac reliquorum dominorum Commiſſariorum et ſecreti Conſilii ejuſdem regni Scotiæ ſubſcriptæ.

I do hereby certify that this paper is a true copy compared with the original in the books of this office. Plantation office, Whitehall, July 12, 1750. Signed

THOMAS HILL.

LEAGUE OF PEACE *entered into by* MASSASOIET,* (*an Indian Sachem*) *and the* FIRST SETTLERS *of* NEW-PLIMOUTH.

[New-England's Memorial, Page 31. A. D. 1621.]

I. THAT neither he, nor any of his, ſhould injure or doe hurt to any of their People.

II. That if any of his did any hurt to any of theirs, he ſhould ſend the offender, that they might puniſh him.

III. That if any thing were taken away from any of theirs, he ſhould cauſe it to be reſtored; and they ſhould doe the like to his.

IV. That if any did unjuſtly warr againſt him, they ſhould aid him; and if any did warr againſt them, he ſhould aid them.

V. That he ſhould ſend to his neighbour-confederates, to certifie them of this, that they might not wronge them, but might be likewiſe compriſed in theſe conditions of peace.

VI. That when his men came to them upon any occaſion, they ſhould leave their arms (*which were then bows and arrows*) behind them.

VII. *Laſtly*, That ſo doing, their Soveraign Lord King *James*, would eſteem him as his friend and ally.

☞ *After the above, Mr. Morton, the Author of New-England's Memorial has inſerted the following:*

"*All which he liked well, and withal at the ſame time acknowledged himſelf content to become the ſubject of our Sovereign Lord the King aforeſaid, his heirs and ſucceſſors; and gave unto them all the lands adjacent, to them and their heirs forever.*"

The

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* He lived at a place called Sowams, about forty miles diſtant from New Plimouth.

The SUBMISSION *of* NINE INDIAN SACHEMS *to* KING JAMES, *September* 13, *Anno Dom.* 1621.

[New-England's Memorial, Page 39.]

KNOW all Men by theſe preſents, That we whoſe Names are under-written, do acknowledge ourſelves to be the loyal ſubjects of King JAMES, King of *Great-Britain*, *France*, and *Ireland*, Defender of the Faith, &c. In Witneſs whereof, and as a teſtimonial of the ſame, we have ſubſcribed our names, or marks, as followeth:

Obquamehud,	*Nattawahunt*,	*Quadaquina*,
Cawnacome,	*Caunbattant*,	*Huttamoiden*,
Obbatinnua,	*Chikkatabak*,	*Apadnow*,

A SERMON *on the Sin and Danger of Self-Love, was preached at* PLYMOUTH, *in New-England, by Elder* CUSHMAN, *in* 1620, *and afterwards printed in London, with "An Epiſtle Dedicatory" prefixed, dated at Plymouth, December* 12, 1621, *from which the following Extracts are made.*

"To his LOVING FRIENDS the ADVENTURERS for NEW-ENGLAND; together with all WELL-WILLERS and WELL-WISHERS thereunto, *Grace and Peace*, &c.

NEW-ENGLAND, ſo called, not only (to avoid novelties) becauſe Captain *Smith* hath ſo intituled it in his Deſcription, but becauſe of the Reſemblance that is in it, of *England* the native Soil of Engliſhmen: It being much what the ſame for heat and cold in Summer and Winter, it being Champion Ground, but not high mountains, ſomewhat like the ſoil in *Kent* and *Eſſex*, full of Dales and meddow Ground, full of Rivers and ſweet Springs, as *England* is. But principally, ſo far as we can yet find, it is an Iſland, and near about the quantity of *England*, being cut out from the maine Land in *America*, as *England* is from the maine of *Europe*, by a great arm of the Sea, which entereth in forty Degrees, and runneth up North Weſt and by Weſt, and goeth out either into the South Sea, or elſe into the Bay

of *Canada*. The certainty whereof, and Secrets of which, we have not yet ſo found as that as eye-witneſſes we can make narration thereof, but if God give time and means, we ſhall ere long, diſcover both the extent of that River, together with the ſecrets thereof; and alſo try what Territories, Habitations, or Commodities may be found, either in it, or about it.

It pertaineth not to my purpoſe to ſpeak any thing, either in praiſe or diſpraiſe of the Country; ſo it is by God's Providence, that a few of us are there planted to our content, and have with great Charge and Difficulty attained quiet and competent Dwellings there. And thus much I will ſay for the ſatisfaction of ſuch as have any thought of going thither to inhabit; That for men which have a large heart, and look after great riches, eaſe, pleaſures, dainties, and jollity in this World (except they will live by other mens ſweat, or have great riches) I would not adviſe them to come there, for as yet the country will afford no ſuch matters: But if there be any, who are content to lay out their Eſtates, ſpend their time, labours, and endeavours, for the benefit of them that ſhall come after and in deſire to further the Goſpel among thoſe poor Heathens, quietly contenting themſelves with ſuch hardſhip and difficulties, as by God's Providence ſhall fall upon them, being yet young, and in their ſtrength, ſuch men I would adviſe and encourage to go, for their ends cannot fail them.

And who ſo rightly conſidereth, what manner of entrance, abiding, and proceedings, we have had among theſe poor Heathens ſince we came hither, will eaſily think, that God hath ſome great work to do towards them.

They were wont to be the moſt cruel and treacherous People in all theſe parts, even like Lions; but to us they have been like Lambs, ſo kind, ſo ſubmiſſive, and truſty, as a man may truly ſay, many Chriſtians are not ſo kind, nor ſincere.

They were very much waſted of late, by reaſon of a great Mortality that fell amongſt them three years ſince, which together with their own Civil Diſſentions and Bloody Wars, hath ſo waſted them, as I think the twentieth perſon is ſcarce left alive, and thoſe that are left, have their courage much abated, and their countenance is dejected, and they ſeem as a People affrighted. And though when we came firſt into the Country, we were few, and many of us were ſick, and many dyed by reaſon of the cold and wet, it being the depth of Winter, and we having no houſes, nor ſhelter, yet when there was not ſix able perſons among us, and that they came daily to us by hundreds, with their *Sachems* or *Kings*, and might in one hour have made a diſpatch of us, yet ſuch a fear was upon them, as that they never offered us the leaſt injury in word or deed. And by reaſon of one *Tiſquanto*, that lives amongſt us, that can ſpeak Engliſh, we have daily commerce with their Kings, and can know what is done or intended towards us among the Savages: Alſo we can acquaint them with our courſes and purpoſes, both humane and religious. And

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the greateſt Commander of the Country, called *Maſſaſoit*, cometh often to viſit us, tho' he lives fifty miles from us, often ſends us Preſents, he having with many other of their Governours, promiſed, yea, Subſcribed Obedience to our Sovereign Lord King JAMES, and for his cauſe to ſpend both ſtrength & life. And we for our parts thorow God's Grace, have with that equity, juſtice, and compaſſion, carried our ſelves towards them, as that they have received much favour, help, and aid from us, but never the leaſt injury, or wrong by us. We found the place where we live empty, the people being all dead and gone away, and none living near by 8. or 10. miles; and though in the time of ſome hardſhip, we found (travelling abroad) ſome 8. Buſhels of Corn hid up in a Cave, and knew no owners of it, yet afterwards hearing of the owners of it we gave them (in their eſtimation) double the value of it. Our care alſo hath been to maintain peace amongſt them, and have always ſet our ſelves againſt ſuch of them as uſed any rebellion, or treachery againſt their Governours, and not on-only threatened ſuch, but in ſome ſort paid them their due deſerts; and when any of them are in want, as often theyare in the Winter, when their Corn is done, we ſupply them to our power, and have them in our houſes eating and drinking, and warming themſelves, which thing (though it be ſomething a trouble to us) yet becauſe they ſhould ſee and take knowledge of our labours, orders, and diligence, both for this life and a better, we are content to bear it, and we find in many of them, eſpecially, of the younger ſort, ſuch a tractable diſpoſition, both to Religion and humanity, as that if we had means to apparel them, and wholly to retain them with us (as their deſire is) they would doubtleſs in time prove ſerviceable to God and man, and if ever God ſend us means we will bring up hundreds of their chlldren, both to labour and learning."

The CHARTER *of June* 3, 1621 *to the* Dutch Weſt-India Company, *was, on the four and twentieth of March and tenth of June* 1622, *amplified by the High and Mighty Lords the States General, by the addition of the* Salt Trade to the Weſt-Indies, and ſome other Matters; *accordingly, on the tenth of June aforeſaid, a Proclamation was publiſhed, and on the thirteenth of February* 1623, *an Act of Amplification was given the Company, as folllows.*

[De Laet. Jaerlijck Verhael]

Extract from the Proclamation of the 10*th of June*, 1622.

"THE STATES GENERAL of the United Netherlands, to all who ſhall ſee theſe Preſents, or hear them read, Greeting. Whereas we have after mature Deliberation of Council, for the Benefit of theſe Provinces, and the Welfare of the

the good Inhabitants thereof, formed a Company for Trade and Traffic from theſe Netherlands to the Weſt-Indies, Africa, and other Places mentioned in our former Proclamation of the ninth of June, in the Year ſixteen hundred and twenty-one, with a Prohibition, that none of the Natives or Inhabitants of this Country, for the Term of four and twenty Years from the firſt of June then firſt coming, ſhould Sail or Trade within the ſaid Limits, except only thoſe who, by a Charter given to the aforeſaid Company, might go to get Salt at *Punto del Rey* under the Regulation by us in that Behalf made, or to be made: And as, upon reconſidering that Matter, we find it will be uſeful and neceſſary for the Service of this Country, and for promoting the aforeſaid incorporated Company, that the aforeſaid Salt Trade to *Punto del Rey*, ſhould be veſted in the ſaid Company; Therefore we (our former Proclamation of the ninth of June remaining entire) have interdicted and forbidden, and by theſe Preſents do interdict and forbid, the Natives and Inhabitants of this Country, that, within the Term of the aforeſaid four and twenty Years, the aforeſaid Natives and Inhabitants ſhall not ſail out of theſe Netherlands, nor out of any other Kingdom or Country, directly or indirectly in the ſaid Salt Trade to *Punto del Rey*, except in the Name and on the Account of theſe Company: Willing and ordaining, that all other Natives and Inhabitants who ſhall promote any Thing to the contrary hereof, or ſhall be found to have done it, ſhall forfeit their Ship and Goods, which being actually ſeized, the Forfeiture ſhall be kept for the Behoof of the aforeſaid Company: And if any Ships or Goods from thence, ſhall be ſold, or brought into any other Countries or Ports, We have ordained and determined, and do hereby ordaine and determine, that the Manufacturers and Owners thereof, living in this Country, or being ſupplied with Goods here, ſhall be liable for the Value of them, and Execution ſhall iſſue againſt them. Thus done and concluded at a Meeting of the Lords the States General, at the Hague, this thirteenth of June, in the Year of our Lord one Thouſand, ſix hundred, and twenty-two."

Signed,

N. VANDER MEER, Vt.

Underneath was written,

The Ordinance of the High and Mighty Lords the States General.

Subſcribed,

C. AERSSEN.

A PRO-

A PROCLAMATION *prohibiting interloping and diſorderly Trading to* NEW-ENGLAND *in* AMERICA.

[Rymer's Fœd. Tom. XVII. Page 416. A. D. 1622.]

AS it hath ever been held a principal Office of Chriſtian Kings, to ſeek by all pious Meanes, the Advancement of Chriſtian Religion, ſoe the Conſideration thereof hath bene a ſpeciall Motive unto Us from tyme to tyme, as often as Cauſe hath required, to further by our Royall Authority, the good Diſpoſition of any of our well affected Subjects that have a Will to attempt the diſcovering and planting in any Parts of the World, as yet ſavage and unpoſſeſſed by the Subjects of any Chriſtian Prince or State; and nowe for that, by God's ſacred Favor, there is likely to enſue great Advancement of his Glory, our Croune and State, by Reaſon of our Graunt heretofore made to the Councell for the managing of the Affairs of *New-England* in *America*, being in Breadth from forty Degrees of Northerlie Latitude from the Equinoctiall Lyne, to forty eight Degrees of the ſaid Northerly Latitude, and in Length, by all the Breadth aforeſaid, through all the main Land from Sea to Sea, we cannot but continue our eſpeciall Reſpect and Favor unto them in their Indeavors, and exerciſe our Royall Authority againſt the Hinderers thereof: Wherefore, having received certain Information of many and intolerable Abuſes offered by ſundrie Interlopers, irregular and diſobedient Perſons, that ſeeking principally their preſent and private Proffits, have not only impeached ſome of the Planters there of their lawful Poſſeſſions, but alſo taken from them their Tymber without giving any Satisfaction, as in Juſtice they ought to have done; and not therewith contented, have ryned whole Woodes, to the utter Ruine of the ſame for ever after; as alſo, by caſting of their Ballaſt in the Harbors of ſome of their Iſlands, have almoſt made them unſerviceable, and yet not ſoe contented, by their promiſcuous Trading, as well Marriners as Maſters with the Savages, have overthroune the Trade and Commerce that before was had to the great Profit of the Planters, and which were indeed the principall Hopes for the Advancement of that Plantation, next unto the Commodities that Coaſt affords of fiſhing, neither herewith ſatisfied, but as if they reſolved to omit nothing that might be impious and intollerable, they did not forbear to barter away to the Savages Swords, Pikes, Muſquets, Fowling-peeces, Match, Powder, Shot, and other warlike Weapons, and teach them the Uſe thereof, not only to their own preſent Puniſhment, divers of them being ſhortly afterwards ſlaine by the ſame Savages whom they had ſoe taught, and with the ſame Weapons which they had furniſhed them withall, but alſo to the Hazard of the Lives of our good Subjects alrea-

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die planted there, and, as much as in them laye, to the making of the whole Attempt itſelfe, howe pious and hopefull ſoever, fruſtrate, or ſoe much the more difficult. Wee, for Reformation and Prevention of theis or the like Evils hereafter, and for the more cleare Declaration of our Kingly Reſolution and juſt Intents, both to maintain our Royall Grant alreadie made, and to uphold and encourage by all Waies and Meanes the worthy Diſpoſitions of the Undertakers of thoſe Deſigns, have thought fitt, and do hereby ſtraightlie charge and command, that none of our Subjects whatſoever, not Adventurers, inhabitors, or Planters in New-England, preſume from henceforth to frequent thoſe Coaſtes, to trade or traffique with thoſe People, or intermeddle in the Woods or Freehould of any of the Planters or Inhabitants, or otherwiſe than by the Licence of the ſaid Councell, or according to the Orders eſtabliſhed by our Privie Counſell, for the Reliefe or Eaſe of the Tranſportion of the Colonie in *Virginia*, uppon Paine of our high Indignation, and the Confiſcation, Penalties, and Forfeitures in our ſaid Royall Grant expreſſed; leaving it nevertheles in the mean tyme to the Diſcretion of the ſaid Councell for *New-England*, to proceede againſt the foreſaid Offenders according to the ſame, eſpeciallie, ſeeing We find the Arms of the ſaid Councell to be open to receive into that Plantation any of our loving Subjects who are willing to joyn with them in the Charge and Participate in the Profits thereof.

Given *at our Court at Theobalds*, the ſixt Day of November, in the Yeare of our Raigne of England, Fraunce, and Ireland, the twentieth, and of Scotland, the ſix-and-fiftieth.

PER IPSUM REGEM.

The COUNCIL *of* Plymouth's Grant *to* ROBERT GORGES.

[Second Part of Gorges Hiſt. of America, Edit. 1658. Page 34.]

TO all to whom theſe Preſents ſhall come, the councell for the Affaires of *New-England* in *America*, ſend Greeting. Whereas it has pleaſed the King's moſt excellent Majeſty by his Royall Grant, bearing date the third Day of November, in the eighteenth Year of his Majeſtie's Reigne over this his Highneſs Realme of *England*, *&c.* For divers Cauſes therein expreſſed abſolutely to give, grant, and confirme unto us the ſaid Councell and our Succeſſours, all the foreſaid Land of *New-England*, lying and being from fourty to fourty-eight Degrees of Northerly Latitude

Latitude, and in Length by all that Breadth aforeſaid, from Sea to Sea throughout the Main Land, together with all the Woods, Waters, Rivers, Soyles, Havens, Harbours, Iſlands, and other Commodities whatſoever thereunto belonging; with all Priviledges, Preheminencies, Proffits and Liberties, by Sea and Land, as by the ſaid Grant, amongſt other Things therein contained, more at large appeareth. Now know all Men by theſe Preſents, that We the Councell of *New-England*, for, and in reſpect of the good and ſpeciall Service, done by Sir *Ferdinando Gorges*, Knight, to the Plantation, from the firſt Attempt thereof unto this preſent, as alſo for many other Cauſes us hereunto moving, and likewiſe for and in Conſideration of the payment of one hundred and ſixty pounds of lawfull Engliſh Money unto the Hands of our Treaſurer, by *Robert Gorges*, Sonne of the ſaid Sir *Ferdinando Gorges*, Knight, whereof, and of every Part and Parcell whereof, the ſaid *Robert Gorges*, his Heires, Executors and Aſſignes, are for ever acquitted and diſcharged, by theſe Preſents; have given, granted and confirmed, and by theſe Preſents do give, grant, and confirme, unto the ſaid *Robert Gorges*, his Heires and Aſſignes for ever, all that Part of the Main Land in *New-England* aforeſaid, commonly called or known by the name of *Meſſachuſiack*, ſituate, lying and being upon the North-Eaſt ſide of the Bay, called or knowne by the Name of *Maſſachuſet*, or by what other Name or Names ſoever it be, or ſhall be called or knowne, together with all the Shoars and Coaſts along the Sea, for ten *Engliſh* Miles, in a ſtreight Line towards the North-Eaſt, accounting one thouſand, ſeven hundred and ſixty yards to the Mile, and thirty *Engliſh* Miles (after the ſame rate) unto the Main Land through all the Breadth aforeſaid, together with all the Iſlets and Iſlands, lying within three Miles of any Part of the ſaid Lands (except ſuch Iſlands as are formerly granted); together alſo with all the Lands, Rivers, Mines and Mineralls, Woods, Quarryes, Marſhes, Waters, Lakes, Fiſhings, Huntings, Fowlings, and Commodities, and Hereditaments whatſoever, with all and ſingular their Appurtenances, together with all Prerogatives, Rights, Juriſdictions and Royalties, and Power of Judicature in all Cauſes and Matters whatſoever, Criminal, Capital, and Civil, ariſing, or which may hereafter ariſe, within the Limits, Bounds and Precincts aforeſaid, to be executed according to the great Charter of *England*, and ſuch Lawes as ſhall be hereafter eſtabliſhed by Publique Authority of the State aſſembled in Parliament in *New-England*, to be executed and exerciſed by the ſaid *Robert Gorges*, his Heires and Aſſignes, or his or their Deputies, Lieutenants, Judges, Stewards, or other Officers, thereunto by him or them aſſigned, deputed, or appointed from time to time, with all other Priviledges, Franchiſes, Liberties, and Immunities, with Eſcheats and Caſualties thereof ariſing, or which ſhall or may hereafter ariſe within the ſaid Limits and Precincts, with all the Intereſt, Right, Title, Claime and Demand whatſoever, which we the ſaid Councell, and our Succeſſours now of right have, or ought to have, and claime, or

may have, or acquire hereafter, in or to the ſaid Portion of Land and Iſlands, or any the Premiſſes, in as free, ample, large and beneficiall Manner to all Intents, Conſtructions, and Purpoſes whatſoever, as we ſaid Councell by his Majeſties ſaid Letters-patents may or can grant the ſame; ſaving and alwayes reſerving unto the ſaid Councell, and their Succeſſours, and to the Court of Parliament hereafter to be in *New-England* aforeſaid, and to either of them, power to receive, heare and determine all and ſingular Appeale and Appeales, of every Perſon and Perſons whatſoever, dwelling or inhabiting within the ſaid Territories and Iſlands, or either or any of them, to the ſaid *Robert Gorges* granted as aforeſaid, of and from all Judgments and Sentences whatſoever given within the ſaid Territories; to have and to hould all and every the Lands and Premiſſes above by theſe Preſents granted (except before excepted) with their and every of their Appurtenances, with all the Royalties, Juriſdictions, Mines, Mineralls, Woods, Fiſhing, Fowling, Hunting, Waters, Rivers, and all other Proffits, Commodities and Hereditaments whatſoever, within the Precincts aforeſaid, or to the ſaid Lands, Iſlands and Premiſſes, or any of them, in any wiſe belonging or appertaining to the ſaid *Robert Gorges*, his Heires and Aſſignes for ever, to the onely proper Uſe and Behoofe of the ſaid *Robert Gorges*, his Heires and Aſſignes for evermore; to be held of the ſaid Councell and their Succeſſours, *per Gladium Comitatus*, that is to ſay by finding 4 able Men conveniently armed or arrayed for the Warres, to attend upon the Governour for any Service, within fourteen Dayes after warning, and yeilding and paying unto the ſaid Councell, one-fifth Part of all the Oare of the Mines of Gold and Silver, which ſhall be had, poſſeſſed, and obtained within the Precincts aforeſaid, for all Services and Demands whatſoever, to be delivered into the Tower of *London* in *England*, to and for the Uſe of his Majeſty, his Heires and Succeſſours from time to time. And laſtly, know ye, that We the ſaid Councell have deputed, authorized and appointed, and in our Place and Stead have put *David Thomſon*, Gent. or in his Abſence any other Perſon that ſhall be their Governour, or other Officer unto the ſaid Councell, to be our true and lawfull Attourney and Attourneys, and in our Name and Stead to enter into the ſaid Lands and other the Premiſſes with their Appurtenances, or into ſome Part thereof, in the Name of the whole, for Us and in our Names to have and take Poſſeſſion and Seiſin thereof; and after ſuch Poſſeſſion and Seiſin thereof, or of ſome other Part thereof, had and taken then for Us, and in our Name to deliver the ſame unto the ſaid *Robert Gorges*, or his Heires, or to his or their certain Attourney or Attourneys to be by him or his Heires appointed in that Behalfe, according to the true Intent and Meaning of theſe Preſents; ratifying, confirming, and allowing, all and whatſoever our Attourney or Attourneys ſhall do in or about the Premiſſes, or in Part thereof by Vertue of theſe Preſents.

In

In Witneſſe whereof, We have affixed our Common Seale, the thirtieth Day of *December*, in the yeare of the Reigne of our Sovereign Lord *JAMES*, by the Grace of God of *England*, *France*, and *Ireland*, King, Defender of the Faith, &c. the twentieth, and of *Scotland* the fifty-ſixth.

Compared,

LENOX HAMILTON.
ARUNDELL SURREY.
BARN. GOACH.
ROBERT MANSELL.
WI. BOLES.

De Commiſſione ſpeciali Willielmo Jones Militi directa.

[Rymer's Fœdera, Tom. XVII. Page 490. A. D. 1623.]

JAMES, by the Grace of God, King of *England*, *Scotland*, *France*, and *Ireland*, Defender of the Faith, &c. To our truſtie and well beloved Sir *William Jones*, Kt. one of our Juſtices of our Court of Common Pleas, Sir *Nicholas Forteſcue*, Kt. Sir *Francis Goſton*, Kt. Sir *Richard Sutton*, Kt. Sir *William Pitt*, Kt. Sir *Henry Bouchier*, Kt. and Sir *Henry Spiller*, Kt. Greeting. Whereas amongeſt the many memorable Works undertaken ſithence our happie Raigne over this our Realm, thoſe of the *Engliſh Colonies and Plantations in Virginia* and *the Summer Iſlands* are of ſpecial Importance, as being the firſt forraigne *Colonies* planted by our Engliſh Nation, and tending not only to the propagation of God's Glorie and Chriſtian Religion, but alſoe to the Enlargement of the Territories and Domynions of our Crowne, and the Increaſe of Trade and Commerce, whereby our People and Subjects may be enriched: And therefore We being graciouſlie enclyned to ſo glorious and publique a Worke, have from tyme to tyme, and uppon all Occaſions vouchſafed our gracious and Royall Aſſiſtance to the furtherance and incouragement thereof; not onely by granting unto the Adventurers and Planters large Charters and ample Priviledges, but enable them to raiſe great Sommes of Money towards the undergoing of the neceſſarie Charges of the ſaid Plantations; and now being advertiſed, as well by the humble Petition of ſome of the Adventurers themſelves, as otherwiſe, that as well by Occaſion of Diſcord and Diſcontentment amonge themſelves, as of ſundry Miſgovernments and

other Diſturbances and Impediments, the Proſperous and happie Proceeding and Grouth of that Work hath byne, and is dailie more and more like to be interrupted, unles We in our Princely Providence ſhall putt a Remedie thereunto: We therefore uppon deliberate conſideration hereof are conſtantlie reſolved to perſue our former Purpoſe, and by all good meanes to expreſs the contynuance of our Zeale and Affection in reſtoring and ſettlinge that ſoe glorious a Worke, whereof God hath been pleaſed to make us a principall Inſtrument, and to take away all Obſtacles and Hindrances that may any waye ſeeme to diſturb or croſſe the quiet and peaceable Proceeding in the ſame; for the better effecting of which our Reſolution, we hold it moſt fitt that ſome Perſons of Truſt and Underſtanding be employed to diſcerne, diſcover and find out the whole State of the Premiſſes, uppon whoſe Information wee may proceede to the affecting thereof, as we ſhall judge moſt requiſite; whereby the Worke being re-eſtabliſhed may proceede and proſper to our Honor, and thoſe religious and publique Ends for which it was firſt intended. KNOWE YEE, therefore, that Wee, repoſing aſſured Truſt and Confidence in the approved Wiſdomes, Fidelities, and Circumſpections of you the ſaid Sir *William Jones*, Sir *Nicholas Forteſcue*, Sir *Francis Goſton*, Sir *Richard Sutton*, Sir *William Pitt*, Sir *Henry Boucher*, and Sir *Henry Spiller*, have aſſigned and appointed you to be our Commiſſioners; and wee doe hereby give unto you, or any fower or more of you, full Power and Authoritie to viewe, peruſe, and conſider of all and ſingular Charters, Letters-patents, Proclamations, Commiſſions, and all other Acts, Orders, and Directions made or ſet down by Us or our Privie Councell, or by the Company or Councell of *Virginia*, Warrants, Records, Bookes, Accompts, Entries, and other Notes and Writings whatſoever, concerning the ſaid Colonies or Plantations, or concerning the ſeverall Companies or Corporations, to whom the care of the ſaid Colonies or Plantations apperteyneth; and as well thereby as by Examination of any Witneſs or Witneſſes upon Oath, or without Oath, or by any other lawful Waies or Meanes whatſoever, to enquire, diſcover, fynd out, and inform your ſelves, whither the ſaid Charters, Letters-patents, Proclamations, Acts, Orders, and Directions have bene obſerved, performed, and kept according to the true Intent and Meaning thereof? or whether the ſame have bene violated, infringed, or broken? and by whom? and in whoſe Default? and what Damage, Hurt, and Hinderance to the ſaid Plantations and Colonies have thereby enſued and byn occaſioned? and upon due Conſideration thereof, and of all other Things needful, to try and find out the true Eſtate as well in Tymes paſt as at this preſent, of the ſaid Colonies and Plantations, and either of them in every Reſpect, and of all Incidents and Circumſtances thereunto belonging.

And further, Wee doe hereby give unto you, or any fower or more of you, full Power and Authority by ſuch Examination upon Oath, or without Oath, or any other Wayes

Wayes and Means as is aforeſaid, to enquire, ſearch, diſcover and fynde out, what Somme or Sommes of Money at any Tyme heretofore, have been levied or collected, either by Contribution of Adventurers, voluntarie Guifts or Bequeſts, Lotteries, Collections, Adventures in Magazines, or by any other Wayes or Meanes whatſoever, for or towards the Furtherance of the ſaid Colonies or Plantations, or either of them, or any the Buiſenes or Affaires concerning the ſame? and to whoſe Hands the ſame Moneyes have come? and how, and in what Manner, and by whom the ſaid Somme and Sommes of Money, and everie Part of them, have bene expended or diſburſed? and whither the ſame have byn expended or diſburſed as they ſhould or ought to have byne for the good of the ſaid Colonies and Plantations? and whither any and what Part or Parts of the ſaid Somme or Sommes of Money have bene converted, uſed, or ymployed to the Uſe of any private Perſon or Perſons, or to any Uſe other than for or towards the neceſſarie Uſe, Helpe and Furtherance of the ſaid Plantations? and to whoſe, or to what Uſe or Uſes? and what Damage any ſuch Miſployment hath bene to the ſaid Plantations? and by whom, and by whoſe Meanes, Conſent, or Procurement any ſuch Miſployment hath bene made or done, with the Ground and Cauſes thereof? and all other neceſſarie Circumſtances in any wiſe touching the Premiſſes? and what is, and what in probabilitie of Reaſon might have bene the true Eſtate and Conditions of the ſaid Plantations, and either of them, at this preſent Tyme by the Proportion of the Expence of ſoe much Money as hath been levied, collected, and gathered for the Uſe of the ſaid Plantations and either of them?

And further, Wee doe hereby give unto you, or any fower or more of you, full Power and Authority by ſuch Examination upon Oath, or without Oath, or any of the Wayes or Meanes aforeſaid, to enquire, ſearch, diſcover, and fynd out what Lawes, Orders, or Conſtitutions have bene made contrary to, or without Warrant of our Charters and Letters-patents? and what Miſgovernment, Miſimployment, Abuſes, Defaults, Negligences, Corruptions, Deceits, Frauds, and Greevances, have byn at any Time heretofore uſed or put in Practiſe by any Perſon or Perſons, to the Lett, Hindrance, or Diſturbance, of the good, quiet, peaceable, and orderly Progreſſion, Proceeding, or Doeing of any Matter or Thinge tendinge to the Furtherance of the ſaid Colonies or Plantations, or either of them? or in the procureinge, levying or collectinge, iſſuing, diſburſing or ymploying of any Somme or Sommes of Money aſſigned, limitted, appointed, levyed, or collected, for, or to the Uſe or Furtherance of the ſaid Colonies or Plantations, or either of them? and the Grounds and and Cauſes thereof? and what particular Wrongs or Injuries have bene offered or done to all, or any of the Adventurers or Planters of the ſaid Colonies or Plantations? and by what Perſon or Perſons? and by what Warrant or Warrants any of the ſaid Miſgovernments, Miſimployments, Abuſes, Defaults, Negligences, Corruptions, Deceipts, Frauds, Greevances, Wrongs, or Injuries, or any of them, have

been

have byne done, committed, or practiſed? and the Grounds and the Cauſes thereof? and by, or with whoſe Conſent or Procurement? and to what End or Purpoſe? and for whoſe Uſe, Benefitt and Advantage, and of all other Matters and Things to the Premiſſes incident or appertayning, as to you, or any fower or more of you ſhall be thought meete.

And alſoe we doe hereby give unto you, or any fower or more of you, full Power and Authority by ſuch Examination upon Oath, or without Oath as aforeſaid, and by all or any other the Waies and Meanes aforeſaid, to enquire, examyne, and fynde out all ſuch Matters or Things as do, or may in any wiſe occaſion the Lett, Hindrance, or Decay of the ſaid Colonies or Plantations, or either of them; or of the Trade, Traffique, or Commerce with them, or either of them; by what Means the ſame are occaſioned, and of all other Matters concerning the Premiſſes?

And further, Wee require and comaund, and give Power and Authority unto you, or any fower or more or more of you, upon deliberate conſideration of the Premiſſes, to enquire, fynd out, conſider, propounde, and ſet downe all ſuch good and lawfull Wayes and Meanes, and the likelieſt Wayes and Means to be uſed and putt in Practiſe for the better governing, managing, ordering, diſpoſing, and eſtabliſhing of the ſaid Colonies or Plantations, and of the Buiſineſſes and Affaires of the ſaid Colonies or Plantations, and for Reformation and Prevention of all Miſgovernments, Greevances, Abuſes, Defaults, Negligences, Corruptions, Frauds, Deceipts, Wrongs, and Injuries hereafter to be done or committed in the governing, mannaging, orderinge, or diſpoſeinge of the Buiſineſſes and Affaires of the ſaid Colonies or Plantations, or to be done unto any Adventurers or Planters in the ſame, and for the condign Puniſhment of the Offenders, and for the reconciling and taking away all Contentions and Differences, and preſerving Peace and Unitie amongſt them; and to do all other Acts and Things whatſoever which to you, or fower or more of you, ſhall be found meet and convenient, whereby this our Commiſſion may be fullie executed according to the Tenor of the ſame, and our Pleaſure herein declared, and the ſaid Plantations eſtabliſhed, to the End and Purpoſe before mentioned: And to the End our ſaid Pleaſure herein declared may take the better Effecte, Wee doe likewiſe hereby give unto you, or any fower or more of you, full Power and Authority to cauſe to come before you, or fower or more of you, all ſuch Perſon and Perſons as you ſhall think fitt to appeare before you, for the better Diſovery of the Truth in any the Premiſſes, and to cauſe all and every Perſon and Perſons, as well ſuch as are ſuppoſed to have offended in any the Premiſſes, their Servants or Agents, as all and every Perſon and Perſons beinge, or which have been, Clarks or Officers of the ſeverall Companies or Corporations of *Virginia*, or the *Summer Iſlands*, any other Perſon or Perſons whatſoever, to bringe and ſhewe before you, or any fower or more of you, as is aforeſaid,

all and ſingular ſuch Letters-patents, Proclamations, Commiſſions, Warrants, Records, Orders, Books, Accompts, Entries, or any other Notes or writings whatſoever, remayning in their or any of their Cuſtodie, which you, or fower or more of you, ſhall thinke fitt to be produced, whereby the Truth in the Premiſſes may the more playnely appeare: And to the End noe Perſon may have juſt Cauſe to complayne or be greeved at your Proceedings in this Behalfe, our Pleaſure is, that when and ſoe often as any Examination of any Perſon or Perſons ſhall by vertue of this our Commiſſion be taken uppon Oath, that then, and as often uppon Requeſt made by the Parties whom the ſame ſhall concerne, you, or any fower or more of you, may examyne the ſame, or any other Perſon or Perſons either uppon Oath or otherwiſe, for the Defence of ſuch Perſon or Perſons making ſuch Requeſt, if you, or fower or more of you, uppon due Conſideration ſhall think it juſt and fitt.

And our further Will and Pleaſure is, and Wee doe hereby charge and commaund you, our ſaid Commiſſioners, or foure or more of you, to certifie unto the ſaid Lords and others of our Privie Councell, from Tyme to Tyme, your Proceedings therein; to the End ſuch further Order may be given therein as ſhall be fitt. And theſe our Letters-patents or Commiſſion, or the Inrollment of the ſame, ſhall be your ſufficient Warrant and Diſcharge for doeing and executing of all and ſingular the Premiſſes according to the true Intent and Meaning of the ſame.

And laſtlie, our Will and Pleaſure is, that this our Commiſſion ſhall contynue in Force; and Wee doe hereby authorize you, or any fower or more of you, to proceede in the Execution thereof, and of all and every Matter and Thinge therein conteyned, from Tyme to Tyme, and as often as you, or any fower or more of you, ſhall thinke convenient; although the ſame Commiſſion be not from Tyme to Tyme continued by Adjornement.

In Witnes, &c.

Witneſs our ſelf at *Weſtminſter*, the nynth Day of May.

Per breve de privato de Sigillo.

A TRUE COPY *of the Grant of* KING CHARLES *the First, to Sir* EDMUND PLOWDEN, *Earl Palatine of* ALBION, *of the Province of* NEW ALBION, *in* AMERICA, *June* 21, A. D, 1634.

[From Papers publiſhed by Charles Varlo, who viſited America in 1784 and 1785, as Agent for the Earl of Albion.]

CHARLES, by the Grace of God, of England, Scotland, France and Ireland, King, Defender of the faith, &c. To all to whom theſe our preſent letters ſhall come, greeting. Whereas, our well-beloved and faithful ſubject Edmund Plowden, Knight, from a laudable and manifeſt deſire, as well of promoting the chriſtian religion, as the extending of our imperial territories, hath formerly diſcovered, at at his own great charges and expences, a certain iſland and region, hereafter deſcribed, in certain of our lands to the Weſtern part of the globe, commonly called *North Virginia*, inhabited by a barbarous and wild people, not having any notice of the Divine Being; and hath amply and copiouſly peopled the ſame with five hundred perſons of our ſubjects, being taken to that colony as companions of the ſame pious hopes or intentions. And the colony being founded, elected to himſelf John Lawrence, Knight and Baronet, Bowyer Worſley, Knight, and Charles Barret, Eſquire, and John Truſler, Roger Packe, William Inwood, Thomas Ribread, and George Noble: And hath humbly ſupplicated our Royal Highneſs to erect All that iſland and region, into a province and county palatine; and to give, grant, and confirm the ſame with certain priviieges and juriſdictions, for the wholeſome government of the colony and region aforeſaid, and the ſtate thereto belonging unto them, their heirs and aſſigns: And alſo praying that we ſhould create and inveſt the ſame Edmund Plowden, Knight, and his aſſigns, with the dignities, titles, and privileges of governors of the Premiſſes.

THEREFORE know ye, that we being deſirous royally to favour the pious and noble ſtudy and purſuits of the ſaid Edmund Plowden, Knight, and of his ſaid Aſſociates; and knowing that it is of great moment to the ſubjects of our kingdoms, that the colony there begun be diligently inhabited and cultivated, of our ſpecial grace, certain knowledge, and mere motion. And alſo, by the advice and conſent of our well-beloved and faithful couſin and counſellor, Thomas, Lord Viſcount Wentworth, our deputy-general of our ſaid kingdom of Ireland; and according to the tenor and effect of certain of our letters, ſigned with our proper hand, and ſealed with our ſeal, dated at *Oatelands*, the 24th day of *July*, in the 8th year of our reign, and now inrolled in the rolls of our Chancery, of the ſaid kingdom of Ireland; We have given, granted, and confirmed, and by this our preſent charter, for Us, our heirs, and ſucceſſors,

ſors, Do give, grant, and confirm, unto the before-named Edmund Plowden, Knight, John Lawrence, Knight and Baronet, Bowyer Worſley, Knight, Charles Barrett, and John Truſler, Roger Packe, William Inwood, Thomas Ribread and George Noble, and their heirs and aſſigns for ever, all that entire iſland, near the Continent or Terra Firma of *North-Virginia*, called the Iſle of *Plowden*, or *Long-Iſland*, and lying near or between the thirty-ninth and fortieth degree of North latitude, together with part of the Continent or Terra Firma aforeſaid, near adjoining, deſcribed to begin from the point of an angle of a certain promontory called *Cape May*, and from thence to the Weſtward for the ſpace of forty *leagues*, running by the river *Delaware*, and cloſely following its courſe by the North Latitude, unto a certain rivulet there, ariſing from a ſpring of the Lord Baltimore's, in the lands of *Maryland*, and the ſummit aforeſaid to the South, where it touches, joins, and determines in all its breadth; from thence takes its courſe into a ſquare, leading to the North by a right line, for the ſpace of forty leagues; and from thence likewiſe by a ſquare, inclining towards the Eaſt in a right line, for the ſpace of forty leagues, to the river, and part of *Reacher Cod*, and deſcends to a ſavannah, touching and including the top of *Sandheey*, where it determines; and from thence towards the ſouth, by a ſquare, ſtretching to a ſavannah, which paſſes by, and waſhes the ſhore of the iſland of *Plowden* aforeſaid, to the point of the promontory of *Cape May*, abovementioned, and terminates where it began.

Moreover, we give, and by this our preſent charter, for Us, our heirs, and ſucceſſors, do grant, and confirm, unto the before-named Edmund Plowden, Knight, John Lawrence, Knight and Baronet, Bowyer Worſley, Knight, Charles Barrett, Eſquire, John Truſler, Roger Packe, William Inwood, Thomas Ribread, and George Noble, and to their heirs, and aſſigns, all and ſingular, iſlands and iſles, floating, or to float, and being in the ſea, within ten leagues of the ſhores of the ſaid region, called by the name or names of *Pamonk*, *Hudſon's* or *Hudſon's-River*, iſles, or by any other names, with all and ſingular ports for ſhipping, and creeks of the ſea, to the ſame, or to the iſlands and iſles aforeſaid, ſituate, being, or adjoining; and all lands, grounds, woods, lakes, ſalt-waters, and rivers adjoining to the region of the iſlands and iſles aforeſaid, ſituate, being, and included, and bounded within the limits before deſcribed, with the fiſhery of all kinds of fiſh, whales, and ſturgeon, and of all other royalties, in the ſea, or fiſhing rivers. And moreover, all gold, ſilver, gems, and precious ſtones, and otherwiſe whatſoever, whether ſtones or metals, or any of any other thing or matter, veins or quarrys, as well open as hid, within the region of the iſlands or limits aforeſaid, found, and to be found or diſcovered; And that all the churches (which may happen to be hereafter built, for the growth and cultivation of the chriſtian religion, within the region and limits of the ſaid iſlands) may be more amply patronized and avowed, together, with all and ſingular things of

this ſort, and all ample rights, juriſdictions, privileges, prerogatives, royalties, liberties, immunities, and royal rights, and franchiſes whatſoever, as well by ſea as by land, within the region of the iſlands, and limits aforeſaid, may be held, exerciſed, uſed, and enjoyed, as by any biſhop of Durham, within the biſhopric or county palatine of Durham, within our kingdom of England, at any time heretofore have been held, uſed, or enjoyed, or of right ought or can be able to have, hold, uſe, or enjoy. And him the ſaid Edmund Plowden, Knight, his heirs, and aſſigns, for Us, our heirs, and ſucceſſors, true, and abſolute lords and proprietaries of the iſlands, region, and other the premiſes aforeſaid, (ſaving always the faith and allegiance due to Us, our heirs, and ſucceſſors) and the ſame county palatine, and the governor, with ſo many and ſuch titles, additions, dignity, and privileges, by theſe preſents We make, create, and conſtitute, as George Calvert, Knight, within the province or county palatine of *Glaſtonbury*, within our new lands, or as the ſaid lord of *Baltimore*, within *Maryland* aforeſaid, or James, Earl of Carliſle, within the *Anthill* iſlands, or thoſe commonly called *St Chriſtophers*, or *Barbadoes*, or as the biſhop of Durham aforeſaid, within the biſhopric or county palatine of Durham aforeſaid, or as Thomas Mayſon, late paymaſter of our forces, in our lands of *New-England*, or as by any other founder of a colony, or governor of ours, whereſoever, ever heretofore had been held, uſed, or enjoyed, or of right ought or was able to hold, have, uſe or enjoy. To HAVE, hold, poſſeſs, and enjoy the ſaid region iſland, and other the premiſſes before granted unto the ſaid Edmund Plowden, Knight; John Lawrence, Knight and Baronet, Bowyer Worſley, Knight, John Truſler, Roger Packe, William Inwood, Thomas Ribread, Charles Barrett and George Noble, and to their heirs and aſſigns for ever. AND to have, hold, poſſeſs, exerciſe and enjoy the ſaid title, addition, dignity and privilege of Earl Palatine, or the office of governor of the region, iſland, and premiſſes, unto the ſaid Edmund Plowden, Knight, his heirs, and aſſigns, for ever. To be holden of Us, our heirs, and ſucceſſors, as of our crown of Ireland, in Capite. And in order that the ſaid region, ſo by Us granted and deſcribed, may outſhine all the other regions of that earth, and be adorned with more ample titles. KNOW ye, that We of our more abundant grace, certain knowledge, and mere motion, and with the advice and conſent aforeſaid, We have cauſed the ſaid region, iſland, and premiſſes, to be erected into a province, and through the fullneſs of our power and royal prerogative, for Us, our heirs, and ſucceſſors, into a province, We erect and incorporate; and the ſame We nominate or call *New Albion*, or the province of *New Albion*, and ſo in future We will the ſame to be called. And that the ſaid province or free *County Palatine*, may in no manner, upon the provinces or regions of *Virginia* and *New-England*, and the governors of them or any other province, region, and governor be in any wiſe ſubject or dependant, but exempt and free, and may depend upon our royal perſon and imperial crown, as king

of

of Ireland, and from no other by theſe preſents, for Us, our heirs and ſucceſſors, We will and decree. And foraſmuch, as We have above made and ordained the before named Edmund Plowden, Knight, true lord and proprietor of all the province aforeſaid. THEREFORE further know ye, that We, for Us, our heirs, and ſucceſſors, to the ſame Edmund (of whoſe fidelity, prudence, juſtice and providence, and circumſpection of mind, we have full confidence) and to his heirs, for the good and happy government of the ſaid province, whatſoever laws, whether concerning the public eſtate of the ſame province, or the private utility of individuals, according to their wiſe diſcretions, and with the council, approbation, and aſſents of the free tenants of the ſame province, or the major part of them who ſhall be called together by the aforeſaid Edmund Plowden, and his heirs, to make laws when, and as often as there ſhall be occaſion, in ſuch form as to him or them ſhall ſeem beſt. And We will that the ſame when made, ſhall be under the ſeal of the ſaid Edmund, and of his heirs, promulgated to all men within the ſaid province, and the limits of the ſame, for the time being, or under his or their power and government, to conſtitute a gatherer of taxes and impoſitions, on perſons ſailing towards *New Albion*, and from thence returning out of or to the land of England, or out of any other of our dominions, whereſoever he or they ſhall chooſe, and to impriſon and otherwiſe reſtrain them, if need ſhall require. And that our well-beloved Edmund Plowden, and his heirs, or by his deputy lieutenant, judges, juſtices, officers, and miniſters, to be conſtituted, made, and duly executed, according to the true intention of theſe preſents, ſhall have power over life and member, and judges, magiſtrates, and officers whatſoever, for any cauſes, and within any power in ſuch form, as to the ſaid Edmund Plowden, or his heirs, ſhall ſeem beſt by land or ſea, to conſtitute and ordain, and alſo the crimes and exceſſes of any perſons againſt the ſame laws, whether before the giving judgment, or after to remit, releaſe, pardon, and aboliſh; and all and ſingular other things to the fulfilling of juſtice, and courts and tribunals of judgment, in manner and form aforeſaid belonging. We grant full, and all manner of power, by virtue of theſe preſents, although there be no expreſs mention made of them, in theſe preſents; which ſaid laws, ſo as aforeſaid, to be promulgated, abſolute, and firm in law, and by all men liege ſubjects, of Us, our heirs, and ſucceſſors, ſo far as concerns them to keep, and under the penalties in the ſame expreſſed, and to be expreſſed. We will, enjoin, order, and command to be inviolably obſerved. So, nevertheleſs, that the laws aforeſaid be conſonant to reaſon, and not repugnant and contrary (but as convenient as may be to the matter in queſtion) to the laws, ſtatutes, cuſtoms, and rights of our kingdoms of England and Ireland. And becauſe, in ſo large a province it may often happen, that there will be a neceſſity to provide a remedy in a number of caſes, before the free tenants of the ſaid province can be aſſembled to make laws, nor will it be proper to delay in a caſe of emergency, until

ſo many people can be called together. THEREFORE, for the better government of the ſaid province, we will, and ordain, and by theſe preſents, for Us, our heirs, and ſucceſſors, grant unto the before-named Edmund Plowden, and to his heirs, that the aforeſaid Edmund Plowden, and his heirs, by themſelves, or by magiſtrates and officers in that behalf, to be duly conſtituted as aforeſaid, fit and wholeſome ordinations from time to time, ſhall and may be able to make and conſtitute, to be kept and preferred within the province aforeſaid, as well for keeping the peace as for the better government of the people there living or inhabiting, and to give public notice of them, to all perſons whom the ſame doth or may concern, which ſaid ordinations We will, ſhall be inviolably obſerved within the ſaid province, under the penalties in the ſame expreſſed. So that the ſame ordinances be conſonant to reaſon, and be not repugnant nor contrary, but as much agreeable as may be to the laws, ſtatutes, and rights of our kingdoms of England and Ireland. And ſo as that the ſame ordinances do not extend themſelves to the right or intereſt of any perſon or perſons, of, or in free tenements, or the taking, diſtraining, binding, or charging any of their goods or chattles. MOREOVER, as a new colony grows more happy by a multitude of people gathering in the ſame, it ought likewiſe to be more firmly defended againſt the incurſions of barbarous and other enemies, pirates, and robbers. THEREFORE, We, for Us, our heirs, and ſucceſſors, to all liege men and ſubjects, of Us, our heirs, and ſucceſſors, preſent and to come, (unleſs thoſe who ſhall be ſpecially interdicted) themſelves and families, to the ſaid province of *New Albion*, with proper ſhips, and convenient convoy to tranſport themſelves, and of chuſing their ſeats, and of living and inhabiting there, and out of our kingdom of Ireland, themſelves with labourers and artificers, to conduct and tranſport together, with grain of every kind, goats, horſes, mares, cows, oxen, ſwine, and cattle, and other domeſtic beaſts, with all neceſſaries, as well for food as raiment, and as often as the inhabitants of the ſaid province, or the governor or principal of the province aforeſaid, ſhall be informed of this. We give and grant, and by theſe preſents, unto the ſaid Edmund Plowden, his heirs, and aſſigns, full power, licence, and liberty, to build and furniſh a caſtle, and caſtles, or other forts at their will and pleaſure, for the public defence, the ſtatute of fugitives, or any other ſtatute in England or Ireland made to the contrary thereof, in any wiſe notwithſtanding. And We alſo will, and of our more abundant grace, for Us, our heirs, and ſucceſſors, firmly injoin and conſtitute, ordain and command; that the ſaid province be in our allegiance; and that all and ſingular, the liege ſubjects of Us, our heirs, and ſucceſſors, in the beforenamed province, or deſcended from them, and alſo other freemen there born, or hereafter to be born, ſhall and may be countrymen and liege ſubjects of Us, our heirs, and ſucceſſors; and ſhall in all things be treated, reputed, and held, as faithful liege ſubjects of Us, and our heirs, and ſucceſſors, as if born in our kingdoms of England or Ireland. And alſo lands, tenements, reverſions, ſervices, and other hereditaments whatſoever, within

in our kingdoms of England and Ireland, and other our dominions, to purchaſe, receive, take, have, hold, buy, and poſſeſs, and them to uſe, and enjoy, and to give, ſell, alienate, and deviſe; and likewiſe all liberties, franchiſes, and privileges of our kingdoms of England and Ireland, freely, quietly, and peaceably to have and poſſeſs, and may be able to uſe and enjoy to them in the ſame manner as our liege ſubjects, born or deſcended within our ſaid kingdoms of England and Ireland; without any impediment, moleſtation, vexation, calumny, or oppreſſion, from Us, or any of our heirs, and ſucceſſors; any ſtatute, act, ordinance, or proviſion to the contrary thereof, notwithſtanding. MOREOVER, in order that our ſubjects may be incited by the love of gain, and the ſweetneſs of liberty, to undertake this expedition with readineſs and alacrity of mind. KNOW YE, that we of our ſpecial grace, and from our certain knowledge and mere motion, that as well the ſaid Edmund Plowden, Knight, his heirs, and aſſigns, as well other and others, from time to time, to travel for the purpoſe of inhabiting in *New Albion*, all and ſingular their goods, as well moveable as immoveable wares, merchandizes, arms likewiſe, and warlike inſtruments, offenſive and defenſive, in any of the ports of Us, our heirs, and ſucceſſors, to be ſhipped and loaded, and to the province of *New Albion*, by themſelves, or their ſervants, or aſſigns, to be tranſported without any impoſition, ſubſidy, cuſtom, or other thing whatſoever, to Us, our heirs, or ſucceſſors, therefore to be paid, and without any impediment or moleſtation, of Us, our heirs, or ſucceſſors, or of any of the officers of Us, our heirs, or ſucceſſors, or farmers of Us, our heirs, or ſucceſſors, we give and grant full and free licence and power, by virtue of theſe preſents; any ſtatute, act, ordination, or other matter or cauſe whatſoever, to the contrary, notwithſtanding. PROVIDED always, that before the ſaid goods, things, and merchandizes be ſhipped and laden, a licence upon this matter from the treaſurer of Us, our heirs, and ſucceſſors, of our kingdoms of England or Ireland reſpectively, or the commiſſioners of our treaſury, or ſix or more of the privy council of Us, our heirs, and ſucceſſors in writing, firſt aſked and obtained, to which ſaid commiſſioners and privy council of Us, our heirs, and ſucceſſors, or any ſix or more of them, the ſame licences in form aforeſaid to grant, We have given and granted for Us, our heirs, and ſucceſſors, ſufficient power as We do give and grant by theſe preſents. But becauſe, in ſuch a diſtant region, ſituate among ſo many barbarous nations, there is reaſon likewiſe to fear the incurſion likewiſe not only of the ſame barbarians, but of the enemies, pirates, and robbers. THEREFORE, that the ſaid Edmund Plowden, his heirs, and aſſigns, may be able by themſelves or their captains, or other officers, to call all men of whatſoever condition, or whereſoever born in the province of *New Albion*, for the time being, to their banner, and chooſe them to carry on war againſt the enemies and robbers aforeſaid, by land and by ſea, and likewiſe to purſue them beyond the limits of the ſaid province, and of taking the wicked priſoners, if God

ſhall

ſhall deliver them into their hands. And the captives by right of war, to ſlay, or at their pleaſure to ſave, and to do all and ſingular other things which to the office of a captain-general of right belonging, or which have been accuſtomed to belong, and that as fully and freely as any captain-general ever had, We have given, and for Us, our heirs, and ſucceſſors, do give power by theſe preſents. And We alſo will, and by this our preſent charter, do give unto the before named Edmund Plowden, Knight, his heirs, and aſſigns, power, liberty, and authority, that in caſe of a rebellion, ſudden tumult, or ſedition (which God forbid) either upon the land within the province beforeſaid, or upon the high ſea in the road to *New Albion*, or in returning from thence, ſhall happen to ariſe for themſelves, to depute captains or other officers under their ſeals, to authorize for that purpoſe, to whom alſo We, for Us, our heirs, and ſucceſſors, do give and grant full power and authority by theſe preſents, to proceed againſt the authors and movers of ſuch ſedition, and him or them ſubtracting, detracting, flying, deſerting, or loitering from the army, or in any other manner offending againſt military diſcipline, ſhall be uſed according to the martial law, as freely, and in as ample manner and form as any other captain-general, by virtue of his office may be able or accuſtomed to uſe, unleſs againſt men honeſtly born, and coming armed to the preſent expedition, and intending to deſerve well of Us, and our royalty in peace and war, being taken in ſuch a remote and deſart region, as ſhall appear to have ſhut them up from the clear way to all honour and dignity. THEREFORE, We, for Us, our heirs, and ſucceſſors, do give unto the aforeſaid Edmund Plowden, and to his heirs and aſſigns, free and full power graciouſly to confer favours and honours upon the well deſerving citizens and inhabitants within the province aforeſaid, with whatever titles and dignities he ſhall chooſe to decorate them with, (in ſuch manner as that they may not now be uſurped in England) likewiſe villaſſes into boroughs, and boroughs into cities, becauſe of the merit of the inhabitants, and fitneſs of the places, with privileges and proper immunities to erect and incorporate. And likewiſe to create manors and erect tenures, and alſo the ſervices of free tenants to inſtitute and reſerve under divers forms and ſpecies; and to cut and ſtamp different pieces of gold, ſuch as ſhall be lawful, current, and acceptable to all the inhabitants of the ſaid province, and the frequenters thereof. And We command all and ſingular, other things to be done in the premiſſes which to him or them ſhall be ſeen to be proper, although the ſame may have been from the nature of the mandate and warrant, executed more eſpecially than in theſe preſents may be expreſſed, and that as freely and in as ample manner and form, as by the ſociety of *New Land*, and *Eaſt Indies*, and of the iſlands of *Bermudas*, other called *Somers*, or the biſhop of Durham, within the biſhopric or county palatine of Durham, or lord Baltimore, within his lands or provinces of *Maryland* and *Glaſtonbury*, or James earl of Carliſle, within the iſland of *St. Chriſtopher* and *Barbadoes*,

badoes, or any other governor of a ſociety, or founder of a colony of Ours, ever heretofore had, held, uſed, or enjoyed, or of right, ought or was able to hold, uſe, and enjoy. AND, foraſmuch as all public affairs, in the beginning of colonization, are wont to labour under various inconveniencies and difficulties. THEREFORE, We favouring the preſent initiation of this colony, and providing by our royal ſolicitude, that if they are aggrieved in one way, they may be relieved in another, of our ſpecial grace, and mere motion, We do give and grant, licence, by this our charter, unto the before named Edmund Plowden, and to his heirs, and aſſigns, and to all the people and inhabitants of *New Albion*, whomſoever at preſent or to come; that the wares and merchandizes whatſoever, from the fruits of the ſaid province, and produce of the land or ſea, by themſelves, or their factors or aſſigns, into any of the ports of Us, our heirs, and ſucceſſors, in our kingdoms of England or Ireland, freely to bring in, and unload, and otherwiſe to diſpoſe of them there; and if there ſhall be occaſion, the ſame merchandizes within one year, to be computed from the unloading of the ſame again into the ſame ſhips or others, to load, and into any other regions either of ours or of ſtrangers, may be able to export; no ſubſidy, cuſtom, tax, or impoſition whatſoever, to be paid in any manner, to Us, our heirs, or ſucceſſors, or the farmers of our ſucceſſors therefore. PROVIDED always, and our intention is, that this our favour, and the immunity from cuſtoms, and impoſitions, and ſubſidies, ſhall continue only for the ſpace of ten years, to be computed from the date of theſe preſents, and ſhall have an end, the ſaid ten years being elapſed and finiſhed. AND we will, and grant, and for Us, our heirs, and ſucceſſors, command that the before named Edmund Plowden, Knight, his heirs, and aſſigns, and others the natives and inhabitants of *New Albion*, all and ſingular, their goods, wares, and merchandizes whatſoever, in any of the ſaid ports, of Us, our heirs, and ſucceſſors, may bring in and unload, and if they ſhall pleaſe, by themſelves or their ſervants, ſhall and may be able to load and reload, within the time aforeſaid. PROVIDED always, that ſuch cuſtoms, impoſitions, ſubſidies, and tolls, to be paid to Us, our heirs, and ſucceſſors, therefore be the ſame as the reſt of our ſubjects, for the time being, are bound to pay; beyond which, we will with the inhabitants of *New Albion*, be in no wiſe aggrieved. AND further, of our mere ample and eſpecial grace, from our certain knowledge, and mere motion, for Us, our heirs, and ſucceſſors, do grant unto the before named Edmund Plowden, Knight, his heirs, and aſſigns, full and abſolute power and authority, to make, erect, and conſtitute, within the ſaid province of *New Albion*, and the iſlands aforeſaid, as many, and ſuch maritime ports, ſtations of ſhips, creeks, and other places for the landing and unloading of ſhips, boats, and other veſſels, and in ſuch and ſo many places, with ſuch of our rights, juriſdictions, liberties, and privileges, to the ſame ports belonging, as to him or them ſhall ſeem moſt expedient. And that all and ſingular, ſhips, boats, and

other

other veſſels whatſoever, by reaſon of trading at the province, or from the province aforeſaid, coming into or going out of any of the ſame ports by the ſaid Edmund Plowden, Knight, his heirs, and aſſigns, ſo to be erected and conſtituted, ſhall only be there loaded and unloaded; any uſe, cuſtom, or any other matter or thing to the contrary notwithſtanding. Saving and always reſerving to all the Engliſh ſubjects of Us, our heirs, and ſucceſſors, liberty of fiſhery, as well in the ſea, as in the ports and creeks of the province aforeſaid, and the privilege of ſalting, curing, and drying fiſh upon the ſhore of the ſame province, if the ſame hath hitherto been reaſonably uſed and enjoyed, any thing in theſe preſents contained to the contrary, notwithſtanding; which ſaid liberties and privileges aforeſaid, the ſubjects of Us, our heirs, and ſucceſſors, ſhall enjoy without doing any damage or injury to the before named Edmund Plowden, his heirs, and aſſigns, or any of the reſidents and inhabitants in the ports, creeks, or ſhores aforeſaid, and particularly in the woods there growing; and if any perſon ſhall do damage or injury to the ſame, he ſhall undergo the peril of the heavy indignation of Us, our heirs, and ſucceſſors, and the due chaſtiſement and penalty of the law. MOREOVER, We will, ordain, and eſtabliſh, and by theſe preſents, for Us, our heirs, and ſucceſſors, do grant unto the before named Edmund Plowden, Knight, and to his heirs, and aſſigns, that he the ſaid Edmund, his heirs, and aſſigns, from time to time, for ever, may have and enjoy, all and ſingular, ſubſidies, cuſtoms, and impoſitions, in the ports for ſhipping, and all other places aforeſaid, within the province aforeſaid, payable or ariſing for merchandize, and things there to be laden and unladen. AND, further We will, and by theſe, for Us, our heirs, and ſucceſſors, do covenant and grant to and with the ſaid Edmund Plowden, Knight, his heirs and aſſigns. That We, our heirs, and ſucceſſors, ſhall not at any time hereafter impoſe, or cauſe to be done or impoſed, any impoſition, cuſtom, or other taxation whatſoever, in or upon the tenants or inhabitants of the province aforeſaid, or any lands, tenements, goods or chattels, in or within the province aforeſaid, or in and upon any goods or merchandizes within the province aforeſaid, or within the ports or ſtations of ſhips in the ſaid province, to be laden or unladen. And this our declaration and conceſſion in all courts, and before whomſoever of the judges of Us, our heirs, and ſucceſſors, for the ſufficient and lawful acquittance from payment, from time to time to be received and allowed. And We will, and for Us, our heirs, and ſucceſſors, do order and command, and forbid, all and ſingular, the officers and miniſters of Us, our heirs, and ſucceſſors, under the injunction of our heavy diſpleaſure; that they in no time preſume to attempt any thing contrary to the premiſſes, or the ſame in any manner to contradict; but that to the before named Edmund Plowden, Knight, John Lawrence, Knight and Baronet, Bower Worſley, Knight, Charles Barrett, Eſq; Roger Packe, William Inwood, John Truſley, Thomas Ribread, and George Noble, and to the inhabitants and merchants of *New Albion*,

and to their miniſters, ſervants, factors, and aſſigns, they be at all times aiding and aſſiſting in the moſt full uſe and enjoyment of this charter, as it becomes them. And, if by accident it ſhall hereafter happen, that doubts or queſtions ſhall ariſe concerning the true ſenſe and meaning of any word, clauſe, or ſentence in this our preſent charter contained, and that in order to obtain an explanation, the ſame ſhall be brought into ſome of our courts. And we will, order, and command, that in all ſuch interpretations in any of our courts, it ſhall always be adjudged in the moſt benign, uſeful, and favourable manner, to the ſaid Edmund Plowden, Knight, and his aſſigns, and to his aſſociates before named, and to the reſt of the inhabitants of *New Albion*. PROVIDED always, that no interpretation ſhall be made, by which the word of God, and the true chriſtian religion, or the allegiance due to Us, our heirs, and ſucceſſors, may in any wiſe ſuffer diminution, prejudice, or injury. Although expreſs mention of the true yearly value, or the certainty of the Premiſſes, or any of them, or of any other gift or grant by Us, or by any of our progenitors or predeceſſors unto the ſaid Edmund Plowden, Knight, heretofore is not at at all mentioned in theſe preſents, or any other ſtatute, act, ordination, proviſion, proclamation, or reſtriction heretofore done, had, made, ordained, or provided, or any matter, cauſe, or thing, whatſoever to the contrary thereof, in any wiſe notwithſtanding. IN WITNESS whereof, we have cauſed theſe our letters to be made patent. WITNESS our ſaid deputy-general of our ſaid kingdom of Ireland, at Dublin, the twenty-firſt day of June, in the tenth year of our reign.

By Writ of Private Seal.

The Earl Palatine of Albion, in virtue of the above grant, at his own expence, ſettled the ſaid province, and reſided thereon, and acted as chief governor for many years.

COPY *of a* LEASE *granted to Sir* THOMAS DANBY, *by* LORD EARL PALATINE, *of* ALBION, *of* 10,000 *Acres of Land for ever, and Sir* THOMAS DANBY, *is to plant* 100 *Reſidenter* Settlers *thereon, &c. Regiſtered in* ST. MARY, *in* MARYLAND, *along with many other Deeds concerning* ALBION.

[From Papers publiſhed by *Charles Varlo*, who viſited America in 1784, and 1785, as Agent for the *Earl* of *Albion*.]

THIS INDENTURE, Made between the Right Honourable Sir Edmund Plowden, of *Plowden*, in the county of *Salop*, Knight, Lord Earl Palatine, and governor of the province of *New Albion*, of the one part, and Sir Thomas Danby of the county of *York*, Knight, of the other part, WITNESSETH, that whereas, our late Sovereign, Lord, King Charles, by his Highneſs Letters-Patent, bearing date the one-and-twentieth day of June, in the tenth year of his Majeſty's reign, under the great ſeal, hath granted to the ſaid Sir Edmund Plowden, and other of his Feoffees, all that iſle called *Iſle Plowden*, and 500 miles compaſs of the main land. THIS INDENTURE WITNESSETH, that the ſaid Earl Palatine, and governor, in Council, that the ſaid Sir Thomas Danby, hath undertaken to ſettle 100 perſons, to be reſident planters in the ſaid province, and for the better advancing the honour and ſervice of God, the ſovereignty, power, and dominion of the ſaid province, hath given, granted, engroſſed, and confirmed, and by theſe preſents doth give, grant, engroſs and confirm unto the ſaid Sir Thomas Danby, 10,000 Engliſh cres, by ſtatute meaſure, whereof 9,800 acres are to be bounded in a perfect ſquare, and lye near and upon part of *Rickney Wood*, within three miles of *Watſeſſett*, his Lordſhip's plantation, and 100 acres lying entire, and adjoining to *Watſeſſett Town*, and are ſituate between 39 and 40 degrees of the northern latitude, and alſo, 100 acres reſidue of the 10,000 acres, to lie, and be on the north-eaſt end, or Cape of the great iſland called *Hamuntſky* or *Long Iſland*, part of the ſaid province, and ſituate about ſix leagues from that part of *America*, called *New England*, near *Naraguſſetts* and *Slope Bay*, and is for a fiſhing ſtage; all which 10,000 acres, are to be meerd and bounded by the firſt part of the ſaid province, together with all lands, paſtures, meadows, woods, and underwoods, marſhes, rivers, lakes, ponds, waters, freſh and ſalt; all games and free warring, and fiſhings within the ſame 10,000 acres, being (all royalties, regalities, and prerogatives, ſuch and the like as his ſaid majeſty late had in England, always excepted) TO HAVE AND TO HOLD, the ſaid 10,000 acres,

acres, above granted unto the ſaid Sir Thomas Danby, his heirs, and aſſigns, for ever, yielding and paying for ever, one ſilver penny ſterling, Engliſh money, for every perſon that ſhall be reſident on the premiſſes, in the name of head ſilver, to be held in free ſottage of the Lord Earl Palatine, of the premiſſes for the time being, by the yearly rent of two ounces of fine ſilver, and the ſaid Earl Palatine, doth give and grant, that the ſame 9,800 acres portion of land, ſhall be called by the name of the *Town* and *Manor* of *Danby Fort*; and that the ſaid Sir Thomas Danby, his heirs, and aſſigns, ſhall for ever, within the precincts of the ſame, have full liberty and juriſdiction of a court baron and court leet, or law day, and therein to do juſtice, and hold pleas of any actions, ſurety or value, either by himſelf, or by his ſteward, ſo that the ſame exceed not £.10 ſterling, for any civil cauſe whatſoever, and that the ſaid Sir Thomas Danby, owner of the town and manor of *Danby Fort*, his heirs, and aſſigns, and in his or their abſence, his or their ſteward, for the time being, ſhall have full power and authority, as any juſtice of the peace ſhall in England, to keep good order and rule, and the peace, and order juſtice in all criminal cauſes, and as the caſe and neceſſity ſhall require, to inflict corporal puniſhment, ſo as the ſame extend not to loſs of life, or member. And as captain of the ſaid town and manor of *Danby Fort*, and the limits thereof, ſhall have full power to command, train, muſter, and roll to arms, all reſident within the ſaid town and manor; and the ſaid town and manor, and plantation to fortify, embattle, and a platform to create, and the ſame to defend againſt all pirates, thieves, aliens, and ſavages, as captain and commander thereof, as free as the captain and governor of Portſmouth in England, by virtue of his office there, can or may do the ſame. Decreeing, and irrevocably ordering, by theſe preſents, for ever, that all perſons within the ſaid manor or tracts thereof, reſiding or being, ſhall unto him or them, as lord or lords of the ſaid manor, and captain and commander of the ſame, and juſtice within the ſame, at all times be reſpectful and obedient. And the ſaid Sir Thomas Danby, for himſelf, his heirs, and aſſigns, doth covenant, promiſe, and grant, to and with the ſaid Earl Palatine, and his ſucceſſors, from time to time, to be ordered and obedient to all acts of parliament, and orders to be made by the governor and 12 of the council of the ſaid province, for the common good and defence thereof, and offence of the enemies thereof, and to begin to people and plant the ſaid plantation, with 50 men, within two months after their arrival there, and to be ſhipped hence in May next, or as ſoon as wind and weather will permit, the dangers of the ſeas only excepted, and within the firſt year to build and finiſh his houſe in *Watleſſett*, aforeſaid, and within one year after to finiſh the ſaid plantation and town of *Danby Fort*, and ſettle and continue there 100 able trained men, that is to ſay, until the ſaid town of *Danby Fort* be built and finiſhed; 50 to remain in *Watleſſett*, and after the finiſhing thereof, they to remain there, and to build and live in *Danby Fort*, not ſcatteringly, but unitedly, within one wall, bank, or

palliſadoe, leaving room and ſtreets for 50 houſes, the outſide wall and covering to be of ſtone, tile, or turf. And that he, his heirs, and aſſigns, ſhall and will grant unto each labourer, artificer, and married couple, that will plant in the ſaid manor and town aforeſaid, and him or them within the town or plantation aforeſaid, a houſe and yard plot, until they amount to 50 families, and to have 30 meaſured acres of the premiſes, and one acre near the wall for a garden plot, with timber and materials to finiſh the ſame, to each houſe and family of the 50 aforeſaid, yielding to the ſaid Sir Thomas Danby, and his heirs, for each houſe and piece of land aforeſaid, ſuit of court, and a buſhel of Indian wheat, yearly. And, that the ſaid Sir Thomas Danby, his heirs, and aſſigns, owner of the ſaid town and manor of *Danby Fort*, ſhall there keep good order, and rule, and watch, and not to alien, on any pretence, to any Indian or Indians, being not free denizens, nor ſuffer any to live or inhabit therein, not believing or profeſſing the three chriſtian creeds, commonly called the Apoſtolical, Athanaſian, and Nicene; and ſhall and will yearly meet at a court leet, and law-day, to be kept at the ſaid town of *Danby Fort*, in the ſaid Earl Palatine's name, ſwear all officers and inhabitants above 12 years old, to be true, faithful, and obedient to the Earl Palatine, governor, and lord royal of the ſaid province, his heirs, and aſſigns, and all writs and warrants, in caſes of public criminals, and others, as captain and juſtice of the peace, (and the like) to iſſue in the name of the ſaid Earl Palatine, as done againſt his peace and dignity, and the like forms in pleading to be obſerved, as in other county palatines hath formerly been, &c. &c. &c.

A RELEASE *of ſuch Perſons as are mentioned in the Grant, in Truſt for the* EARL *of* ALBION, *wherein they deliver up their Claim or Truſt, in Conſideration of* 500 *Acres of Land, to be given to them and their Heirs, out of the Lands of* NEW ALBION.

[From Papers publiſhed by *Charles Varlo*, who viſited America in 1784, and 1785, as Agent for the *Earl* of *Albion*.]

TO all chriſtian people to whom this preſent writing ſhall come, Sir Edmund Plowden of Wanſted, in the county of Southampton, Knight, Lord Earl Palatine, and governor of the Province of *New Albion*, and Thomas Ribread, Roger Packe, William Inwood, and John Truſler, patentees and adventurers, and freeholders of the ſaid province, ſeend greeting. WHEREAS our Sovereign Lord

King Charles, by his highneſſes letters-patent, under the great ſeal of Ireland, bearing date the one-and-twentieth day of June, 1634, hath granted and confirmed to Us, and one Sir John Lawrence, Knight and Baronet, Sir Bowyer Worſley, Knight, Charles Barrett, Eſq; and George Noble, Gent. and our heirs, and aſſigns, for ever, all that iſland called Plowden Iſle, Paramomky, Kudſon's, and other iſles, with 480 miles compaſs, or circuit of the main land and country of *America*, adjoining and lying near Delaware Bay, between *Virginia* and *New England*. AND TO HAVE AND TO HOLD the ſaid title of Earl Palatine, and office of governor, together with all regalities, royalties, prerogatives, and powers, making of officers, judges, and magiſtrates, coining of money, giving pardons for life, and giving of titles and honours and dignities, making of wars and peace there together, with all cuſtoms and duties unto the ſaid Sir Edmund Plowden, and his heirs, and aſſigns, for ever, as the very true and abſolute Lord and propriatory of the ſaid province, and as a free county palatine, as by the ſaid letters-patent doth and may now at large appear. AND WHEREAS the ſaid country had been found and diſcovered at the ſole and only charges of the ſaid Sir Edmund Earl Palatine, and at his like charges, we the ſaid Thomas Ribread, Roger Packe, William Inwood, and John Truſler, have been named in the ſaid patent, wholly in truſt to the uſe and benefit of the ſaid Sir Edmund, Earl Palatine, and his aſſigns, which truſt We do by theſe preſents fully acknowledge and declare. Now, know ye, that in performance of the ſaid truſt, and in conſideration that the ſaid Sir Edmund, Earl Palatine, hath freely given and beſtowed upon every one of Us, and our heirs, a portion of the ſaid province (viz.) to me, Roger Packe, 200 acres; to me, Thomas Ribread, 100 acres; to me, William Inwood, 100 acres; and to me, John Truſler, 100 acres; by us ſeverally to be taken and divided, in and upon the ſouth-eaſt point of the river and port of Reacher Cod. And for that, the ſaid Bower Worſley and Charles Barrett, are ſince deceaſed, whereby the whole eſtate and intereſt in the ſaid country is now in us, the ſeven parties above recited, by ſurvivorſhip. For the true ſettling of full four parts in ſeven, to be divided of the ſaid country, in us now being; We, the ſaid Thomas Ribread, Roger Packe, William Inwood, and John Truſler, HAVE given, granted, engroſſed, and confirmed, and by theſe preſents, do give, grant, engroſs, and confirm, unto Francis, Lord Plowden, ſon and heir of the ſaid Sir Edmund, Earl Palatine, and unto George Plowden, and Thomas Plowden, two other of the ſons of the ſaid Sir Edmund, Earl Palatine, their heirs, and aſſigns, for ever, all that, our four parts in ſeven to be divided of the ſaid province of *New Albion* country, lands and iſles, and other the premiſſes before mentioned in *America*, being with their and every of their profits and appurtenances to the ſame belonging. TO HAVE AND TO HOLD the ſaid four parts, lands, iſles, profits, and other the premiſſes and their appurtenances, unto the ſaid Lord Francis George, and Thomas

Thomas Plowden, their heirs, and aſſigns, for ever, to the uſe of the ſaid Sir Edmund, Earl Palatine, during his natural life, and with full power for him to make and grant what eſtate he pleaſe, either in fee ſimple, fee tail, for life or years, and after his deceaſe, then to the uſe of all and every the children, both males and females, of the body of the ſaid Sir Edmund, Earl Palatine, begotten, and upon default of ſuch iſſue, then to the right heirs of the ſaid Sir Edmund, Earl Palatine, for ever. IN WITNESS whereof, we the ſaid Thomas Ribread, Roger Packe, William Inwood, and John Truſler, together with the ſaid Sir Edmund Plowden, Earl Palatine, have put to our hands and ſeals, this twentieth day of December, and the tenth year of the reign of our Sovereign Lord King Charles, 1634.

Sealed and delivered in the preſence of us,

VALL. HAVARD.
RICHARD BENHAM.

An AGREEMENT *between the Managers and Principal Adventurers of the* Weſt-India-Company, *made with the Approbation of the High and Mighty Lords the States General.*

[De Laet Jaerlijck Verhael.]

THE STATES GENERAL of the United Netherlands, to all to whom theſe Preſents ſhall be ſhewn, greeting. Know ye, that whereas it has been made to appear to us by certain deputies of the incorporated Weſt-India Company, of the Chamber of Amſterdam, that they have been engaged in ſeveral ways, as well in the meeting of Managers, as alſo frequently with their Committees, to the End that in Time good Order and Government may be made and eſtabliſhed among them, to the Satisfaction of the good Members; that they may the better and with more Profit ſpeedily apply themſelves to this Work, and get ſubſequent Matters into a proper Channel;— beſeeching our Approbation, that they by the Form of an Amplification of their Charter, or otherwiſe by framing an Order of the aforeſaid particular Chamber of Amſterdam, or in ſuch Manner as we in Council ſhall think proper, and have preſented ſeveral Things to us for that Purpoſe, and that we, as before, ſhould reſolve thereupon

thereupon, we have thought fit to ſend a Copy thereof to the reſpective Chambers of the Weſt India Company, that they ſhould maturely examine it, confer with the principal Adventurers and their Deputies, and to ſend ſome Deputies of the principal Adventurers to us, fully empowered and authorized for this Purpoſe, and whatever elſe may ſerve to promote ſo neceſſary a buſineſs, to meet in mutual Conference, and ſo to agree practicably and finally, with our Approbation. And that a ſuitable number of the Deputies of the reſpective Chambers, the Directors and principal Adventurers may meet for that Purpoſe, and ſuperintend the following,— the Induction and Debates of our Committees in their different Conferences, Communications, and Deliberations; and finally that the Managers, Directors, and principal Adventurers, without Prejudice to the Provinces and reſpective Cities, for promoting the Weſt India buſineſs, have mutually agreed upon the following Articles;

I. That no alteration, Extenſion, or Interpretation of the Charter or its Depedendencies, ſhall be deſired by the Managers nor principal Adventurers, or any others, except by a previous Meeting and Communication, and the Approbation of a Majority of the Managers and principal Adventurers who ſhall be preſent in that Meeting.

II. That in all Meetings in which the Managers and principal Adventurers ſhall be engaged in Buſineſs together, or the principal Adventurers alone and without the Managers, all Nominations, Deputations, and Elections ſhall be made with one Name at once, by putting Tickets into the Hands of the Preſident, or in ſome other ſecret Manner.

III. That the Company ſhall take up no money on Intereſt or Depoſit, but with the Advice and Conſent of the major Part of the Managers and principal Adventurers: nevertheleſs the reſpective Chambers may, in Caſe of Neceſſity, for one Voyage only, each take up the twentieth part of the Capital of their Chamber, and the ſaid Chamber ſhall not take up any more before that is paid off.

IV. That all Accounts, mentioned in the 15th Article, ſhall be drawn out in the Style of Buſineſs, by the Committee to be nominated by the principal Adventurers, and admitted under Oath, in the Time mentioned in the ſaid 15th Article, which Committee ſhall make Report thereof only in Groſs to the other principal Adventurers: And the ſaid Committee ſhall be bound by an Oath not to divulge, but to keep every Thing ſecret which the Managers muſt keep ſecret. They ſhall moreover be under the Prohibition made by the 31ſt Article of the Charter for the Managers, reſpecting buying and ſelling during the Time of two Years.

V. That the ſaid Committee ſhall have and exerciſe, for the principal Adventurers, the Right given and granted by Article 27 to the Agents: And moreover,

to

to examine the Books, Invoices,——and other Documents at their Pleaſure, and inſpect Merchandize, and Letters concerning Buſineſs.

VI. That the firſt two vacant Places of the Managers at Amſterdam, the two firſt of Zealand, and the firſt in the Chamber of the Maeze, ſhall ſucceſſively be ſupplied and filled up by the principal Adventurers of the reſpective Chambers abſolutley by Plurality of Voices, the elected being bound by the ſame Oath with the other Managers, and having Adminiſtration as the other Directors, and ſhall be obliged to communicate to the principal Adventurers what concerns them, to preſerve their Right in the ſaid Meetings of the Managers, according to the Situation of Affairs, to call them together, and ſhall be ſpecially bound to and revokable by the aforeſaid principal Adventurers, the reſt of the Directors remaining ſucceſſively eligible by the reſpective Chambers according to the Charter, or ſo, as is already ordained, or ſhall be hereafter ordained in the reſpective Provinces: And that by Proviſion, two of the principal Adventurers of each Chamber of Amſterdam and Zealand reſpectively, and one of the Chamber of the Maeze, ſhall be a Committee, beſides that mentioned in the foregoing Article, to take Care of their aforeſaid Right in the mean Time, until one or two Places ſhall be vacant.

VII. When the nineteen ſhall meet together, the principal Adventurers of the Chamber of Amſterdam ſhall chooſe one of the two Managers or proviſional Committee aforeſaid, that he may be one of the eight Managers in the ſaid Meeting for the Chamber of Amſterdam. In like Manner the principal Adventurers of Zealand ſhall chooſe one of the aforeſaid two Managers or proviſional Committee, by them abſolutely appointed, to be one of four Managers for their Chamber in the Meeting of nineteen. And the aforeſaid principal Adventurers, as well of the Chamber of Amſterdam as of Zealand, ſhall each chooſe one of the ſworn Committee, mentioned in Article 4 and 5, to aſſiſt each of the aforeſaid Deputies, in the aforeſaid Meeting of nineteen, nevertheleſs, without that, thoſe who are met ſhall have a ſeparate Vote. And that the other Chambers may know the Cauſe of ſuch Meeting, thoſe who are met of the Chamber of Amſterdam ſhall communicate it to the principal Adventurers of North Holland, and the City and Country; and thoſe who are met of the Chamber of Zealand ſhall adviſe thoſe of the Maeze of the Buſineſs of the aforeſaid Meeting, as far as it may be communicated.

VIII. That hereafter no Perſon ſhall be choſen a Manager who is in the Service, of the Eaſt India Company: in like Manner, a Father and Son, or Brothers, of the whole or half Blood, ſhall not be choſen Managers in one Chamber. And the Managers ſhall receive no Commiſſions until they give up their Service in the other Company.

IX. Whereas it is neceſſary for the Satisfaction of every one, that the Time of ſubſcribing to this Company ſhould be prolonged, therefore the aforeſaid Subſcription

is

is prolonged, for Inhabitants, to the laſt of Auguſt, and for Foreigners, to the laſt of October next, both New-Stile, and it ſhall be made known by Advertiſements: after that, no Perſon ſhall be admitted, but every Chamber ſhall be obliged to cloſe its Capital the firſt Day after the laſt of October, and eight Days thereafter, to ſend a Copy to each other: Provided, that the Outfit which is got ready ſhall continue for the Uſe of the Company, and that thoſe who have furniſhed Money for others, or ſhall yet furniſh it, ſhall receive Intereſt therefor at the Diſcretion of the nineteen.

X. And concerning the general Account mentioned in Article 16 in the Charter, and the changing of a third Part of the Directors in Article 14, to maintain good Order and a general Equality in all the Chambers, it is found neceſſary that the ſaid general Account be made, (ſix Years from the Date of the Charter beginning the third of June 1621, New Style) according to the the Cuſtom of Trade, in public, with the Advice of the aforeſaid Committee of the principal Adventurers of the reſpective Chambers, and ſo on ſucceſſively every ſix Years to make a like general Account: But the Remainder of the Accounts ſhall be deliberated upon, in Order, by the Meeting of nineteen, to the End that the Directors who go off, may depart with clear Accounts if it be practicable. And the firſt Change of a third Part of the Directors ſhall be made ſix Years after the third of June this Year 1623, and ſo on ſucceſſively every two Years, agreeable to the Charter.

XI. And that this Company may be under good Government to the greateſt Profit and Satisfaction of all the Participants, We have ordained that the ſame Government ſhall conſiſt of five Chambers of Directors—One within Amſterdam, who ſhall have the Adminiſtration of four-ninth Parts: one Chamber in Zealand, for two-ninth-parts: one Chamber in the Maeze, for one-ninth Part: one Chamber in the North Quarter, for one-ninth Part: and the fifth Chamber in Vriezelandt, together with (Stadt Ende Landen) *City and Country;* alſo one-ninth Part upon Condition entered in the Regiſter of our Reſolutions and the Acts paſſed: and the Provinces in which there ſhall be no Chamber, ſhall be accommodated with ſo many Directors divided among the reſpective Chambers, as they ſhall furniſh one hundred thouſand Guilders to the Company.

And, XII. If any Thing ſhould happen from which Law-Suits may ariſe to the Diſadvantage of the Company, the Directors ſhall do all in their Power to ſettle the Matter amicably (if poſſible), if not, to communicate it to the principal Adventurers, that they may act therein with common Advice, in ſuch Manner as ſhall be found moſt to the Advantage of the Company.

We having examined and conſidered the aforeſaid Articles, and being deſirous to promote Unity and Concord between the Directors and principal Adventurers, and

the Advancement of the Weſt-India Company, have, with the Advice of the Prince of Orange, thought fit to agree to, and approve of, and do hereby agree to, and approve thereof, and direct that the ſame ſhall be punctually attended to and obſerved by the Directors, Members, and every Perſon concerned therein, in the ſame Manner as if they were inſerted in the Charter; becauſe we find them proper for the Service of the Weſt India Company.

Given under our great Seal, the Rubrick and Signature of our Recorder, at the Hague, the one and twentieth of June, ſixteen hundred and twenty-three.

It was counterſigned,

N. van Bouckhorſt, Vt.

Underneath was written,

The Ordinance of the High and Mighty Lords the States General.

Subſcribed,

C. AERSSEN.

It had a Seal in red Wax, pendant by a white ſilk ſtring.

ORDERS *agreed on at ſeverall Times for the general Good of the Collony, and the better Government and Preſeruation of the ſame.*

[Plymouth Colony Records, Lib. I. Fo. 40.]

IT was ordained 17 day of Deſemb. Anno 1623. by the Court then held, that all cryminall facts, and alſo all maters of treſpaſſes, and debts, between man and man, ſhould be tried by the verdict of twelve honeſt men, to be ympaneled by authoryty, in forme of a Jurie vpon their oaths.

It was decreed by the Court held the 29. of March, Anno 1626, that for the preventing of ſhuch inconueniences, as doe, and may befal the plantation by the want of

of timber, that no man, of what condition ſoeuer, ſell or tranſport any maner of works, as frames for howſes, planks, bords, ſhiping, ſhalops, boats, canoes, or whatſoeuer may tende to the deſtrucktion of timber aforeſaid, how little ſoever the quantitie be; without the conſent, approbation, and liking of the gouvernour and counſell;

And if any be found falty herin, and ſhall imbarke, or any way conuey to that end to make ſelle of any the goods aforeſaid, expreſſed or intended by this decree, the ſame to be forfited, and a fine of twiſe the valew for all ſo ſould to be duly taken by the Gouernour for the vſe and benefite of the Company.

It was furder decreed, the day and year above writen, for the preuenting of ſhuch abuſes, as doe and may ariſe amongſt vs; That no handicrafts man of what profeſſion ſoeuer, as taylors, ſhoemakers, carpenters, joyners, ſmiths, ſawiers, or whatſoeuer which doe or may reſidd or belong to this Plantation of *Plimoth*, ſhall vſe their ſcience or trade, at home or abroad, for any ſtreangers or foriners, till ſhuch time as the neceſſity of the Collony be ſerued, without the conſent of the Gouernour and counſell. The breach thereof to be puniſhed at their deſcretion.

It was ordained the ſaid 29. of March, 1626, for the preuenting ſcarcity, as alſo for the furdering of our trade, that no corne, beans, or peaſe, be tranſporded, inbarcked, or ſold to that end, to be convayed out of the Collony, without the leave and licence of the Gouernour and Counſell; the breach wherof to be puniſhed with loſe of the goods ſo taken, or proued to be ſould; and the ſeler furder fined, or puniſhed, or both, at the diſcretion of the Gouvernour and Counſell.

It was agreed vpon by the whole court, held the 6. of January, 1627, That from henceforward, no dwelling houſe was to be couered with any kind of thatch, as ſtraw, reed, &c. but with either bord, or pale, and the like; to wet, of all that were to be built in the towne.

Diviſion of the Cattle at New Plymouth.

[Plymouth Colony Records, Lib. I. Page 50, 1627]

AT a publick Court held the 22d. of May, it was concluded by the whole company, that the cattel which were the companies, to wit, the cows and the goats, ſhould be equally diuided to all the perſons of the ſame company, and ſo kept until the expiration of ten years after the date above written, and that every one ſhould well and ſufficiently provide for their own part, under penalty of forfeiting the ſame.

That the old ſtock, with half the Increaſe ſhould remain for common uſe, to be divided at the end of the ſaid term, or otherwiſe as occaſion falleth out, and the other half to be their own for ever.

Upon which agreement they were equally divided by lot, ſo as the burthen of the keeping the males then being, ſhould be born for common uſe, by thoſe to whoſe lot the beſt cows ſhould fall.

May 22. It was further agreed at the ſame Court.—

That if any of the cattle ſhould by accident miſcarry, or be loſt or hurt, that the ſame ſhould be taken knowlege of by indifferent men; and judged whether the loſs came by the negligence or default of thoſe betruſted:—And if they were found faulty, that then, ſuch be forced to make ſatisfaction for the companies, as alſo their partner's damage.

The 3d. of January 1627, *it was agreed in a full Court, about deuiſion of lands as foloweth.*

[Plymouth Colony Records, Lib. I. Fo. 60.]

I. That the firſt deuiſion of the acers ſhould ſtand, and continue firme, according to the former deuiſion made vnto the poſſeſſors ther of, and to their heirs for euer, free liberty being reſerued for all, to get firewood ther on, but the timber trees wer excepted for the owners of the ground.

II. That the 2. deuiſion ſhould conſiſt of 20 acers to euery perſon; and to containe fiue in bredth, and four in length; and ſo accordingly to be diuided by lott, to euery one which was to have ſhare ther in.

III. The ground to be judged ſufficient before lots were drawne, and the reſt to be left to common uſe.

IV. This being don, that for our better ſubſiſtence and conuenience, thoſe grounds which are neareſt the towne, in whoſe lott ſo ever they fall, ſhall be uſed by the whole for the ſpace of 4 years from the date hereof; viz, Firſt, that the right owner make choyce of twiſe that quantity, he ſhall or may uſe within the ſaid terme, and then to take to him ſhuch nighbours as ſhall have nede and he thinke fite; but if they cannot agree, then the Gouernour and Counſell may appoint as they think meet: Prouided that the woods be ordered for felling and loping according as the owner ſhall appoint; for neither fire wood, nor other timber, either for building or fencing, or any other vſe, is to be felled or carried of, of any of theſe lots, without the owners leave and licence, but he is to preſerue them to the beſt advantage.

That

V. That what ſoeuer the ſvrueighors judg ſufficient, ſhall ſtand without contradiction or oppoſition, and euery man ſhall reſt contented with his lott.

VI That after the pvrchaſers are ſerued, as aforeſaid, that then ſhuch planters as are heirs to ſhuch as died before the right of the land was yeilded to the aduenturers, have alſo 20 acres a perſon, proportionable to their right laid out in part of their inheritance.

VII. That firſt they ſhall begine wear the acers of the firſt diuiſion end, and lay out that to the Eele River, ſo farr as ſhall be thought fitt by the ſurveighers; and returne to the north ſid of the town, and ſo proceed accordingly. And that they leaue all great timber ſwamps for common vſe.

VIII. That fouling, fiſhing, and hunting be free.

IX. That the old path-waies be ſtill alowed; and that every man be alowed a conuenient way to the water weer ſo euer the lot fall.

X. Laſtly, That euery man of the ſurveighers have a peck of corne for euery ſhare of land laid out by them, to be payed by the owner ther of when the ſame is layd out.

The names of layers-out were theſe,

WILLIAM BRADFORD,
EDWARD WINSLOW,
JOHN HOWLAND,
FRANCIS COOK,
JOSUA PRATT,
EDWARD BANGS.

The ACT *of* AMPLIFICATION *of the* Dutch Weſt India Company's Charter *of the thirteenth of February, ſixteen hundred and twenty-three.*

[De Laet. Jaerlijck Verhael.]

THE STATES GENERAL of the United Netherlands, to all who ſhall ſee theſe Preſents, or hear them read, Greeting. KNOW YE, that We having heard in our Meeting on the four and twentieth of March, in the Year ſixteen hundred and twenty-two, that it was propoſed by certain Extraordinary Meſſengers from the Lords the States of Holland and Weſt Frieſland, that for the better promoting the Weſt India Company, it was neceſſary that the Salt Trade to *Punto del Rey*,

Rey, ſituate within the Limits of the ſaid Company's Charter, and formerly excepted out of it, ſhould be included in the aforeſaid Charter, and that all other Salt Trades, ſituate without the Limits of that Charter, ſhould be left free and out of it: That the principal Members of the aforeſaid Company ſhould have the Nomination of a triple Number, out of which the Managers ſhould be choſen; and moreover, that the Cities, in which there are no Chambers, putting in out of their Funds in one Name, an hundred thouſand Guilders or more, upon a Nomination as aforeſaid, may be intitled to appoint one Manager, for each hundred thouſand Guilders, in ſuch Chamber, where they may think proper to lodge their Money. Deſiring that we will amplify the aforeſaid Charter to the abovementioned Weſt India Company with the aforeſaid Articles, that the Company may be complete; which being by us at this Time well and maturely deliberated upon we have declared and conſented, that the aforeſaid Salt Trade at *Punto del Rey*, ſhall be comprehended as we have included it, in the aforeſaid Charter of the Weſt India Company, under the Order and Interdiction therein contained. And with Reſpect to the two other Articles, we have further declared, that by Virtue of the 13th article of the aforeſaid Charter, the free States of Holland and Weſt Frieſland, and likewiſe of all the other Provinces, ſhall have the Nomination of Managers, in addition, as before, for the beſt Service and Advancement of the Company. Moreover, we have agreed and conſented, that the Cities in which there are no Chambers, upon advancing out of their Funds, one hundred thouſand Guilders, or more, upon a proper Nomination of the principal Members, ſhall for each hundred thouſand Guilders, appoint one Manager in ſuch Chamber where they may think proper to lodge their Money. Foraſmuch as we are now deſired by the Managers of the Weſt India Company, to cauſe a ſuitable Inſtrument in Writing, to be drawn up, ſigned, ſubſcribed, and ſealed with our Great Seal, as is proper, we have, agreeable to our Reſolution of the aforeſaid four and twentieth of March, cauſed theſe our Letters to be for all the Purpoſes aforeſaid: Promiſing to keep them, well, firmly, and truly, and ordain that all Perſons govern themſelves accordingly. Thus done in our Meeting, under our Great Seal, and the Rubrick and Signature of our Recorder, in the Hague, the thirteenth of February, 1623.

Counterſigned, J. MAGNUS, Vt.

In the Fold * was,

The Ordinance of the High and Mighty Lords the States General.

Subſcribed, C. AERSSEN.

It had a Seal in red Wax, pendant by a white Silk ſtring.

De

* This refers to a *Fold* or *Doubling*, at the bottom of the Parchment or Paper on which the Act was written.

De COMMISSIONE HENRICO *Vicecomiti Mandeville, et aliis.*

[Rymer's Fœdera, Tom. XVII, p. 609. A. D. 1624.]

JAMES, by the Grace of God, &c. to our right truſty and well beloved Coſen and Councellor, Henry, Viſcount Mandeville, Lord Preſident of our Councell, and to our right truſty and well beloved William Lord Pagett, and to our right truſty and well beloved Councellors, Arthur, Lord Chicheſter, Baron of Belfaſt, Sir Thomas Edmonds, Knighte, Treſorer of our Houſehold, Sir John Suckling, Knighte, Comptroller of our Houſhold, Sir George Calvert, Knighte, one of our Principall Secretaries of State, Sir Edward Conwey, Knight, one other of our Principall Secretaries of State, Sir Richard Weſton, Knight, Chancellor and Under Treſorer of our Exchequer, and Sir Julius Cæſar, Knight, Maſter of our Rolls, and to our truſty and well beloved Sir Humfry May, Knighte, Chancellor of our Duchy of Lancaſter, Sir Baptiſte Hickes, Knight and Baronet, Sir Thomas Smith, Knight, Sir Henry Mildmay, Knight, Maiſter of our Jewel Houſe, Sir Thomas Coventrye, Knight, our Attorney Generall, Sir Robert Heathe, Knight, our Solicitor Generall, Sir Ferdinando Gorges, Knight, Sir Robert Killigrew, Knight, Sir Charles Montagu, Knight, Sir Phillippe Carie, Knight, Sir Francis Goſton, Knight, Sir Thomas Wroth, Knight, Sir John Wolſtenholme, Knight, Sir Nathaniell Riche, Knight, Sir Samuel Argall, Knight, Sir Humfry Handforde, Knight, Matthew Sutcliff, Doctor of Divinitye, and Deane of Exeter, Francis White, Doctor of Divinitye, and Deane of Carliſle, Thomas Fanſhawe, Eſquire, Clerke of the Crowne, Robert Johnſon, Alderman of London, James Cambell, Alderman of London, Raphe Freeman, Alderman of London, Morice Abbot, Eſquire, Nathaniell Butler, Eſquire, George Wilmore, Eſquire, William Hackwell, Eſquire, John Mildmay, Eſquire, Philipp Jermayne, Eſquire, Edward Johnſon, Eſquire, Thomas Gibbes, Eſquire, Samuell Wrote, Eſquire, John Porey, Eſquire, Michaell Hawes, Eſquire, Edward Pallavacine, Eſquire, Robert Bateman, Merchante, Martyn Bonde, Merchante, Thomas Stiles, Merchante, Nicholas Leate, Merchante, Robert Bell, Merchante, Abraham Cartwright, Merchante, Richard Edwards, Merchante, John Dyke, Merchante, Anthony Abdy, Merchante, William Palmer, Merchante, Edward Dachfield, George Mole, Merchant, and Richard Morer, Greeting, Whereas heretofore, at the humble ſuite and requeſte of divers our loving ſubjects, intending to deduce a colony, and to make habitation and plantation of ſundry our people, in that *Parte of America commonly called Virginia*, and other partes and territories in *America*; Wee, greatly commending and graciouſly accepting theire deſires to the furtherance of ſo noble a worke, which might by the Providence of Almightie

mightie God, thenafter tend to the glorie of *his Majeſtie*, in propagating religion to ſuch people as then lived in darkneſs and miſerable ignorance of the true knowledge and worſhippe of God, and might in tyme bring the Infidels and Savages in thoſe partes to human civilitye, and to ſetled and quiett government; Did, by our letters patentes in the *fourth yere of our Raigne of England*, graunte to divers Knightes, Gentlemen, and others, for the more ſpeedie accompliſhemente of the ſaid Plantation; that they ſhould devide themſelves into twoe colonies, the one conſiſting of divers Knightes, Gentlemen, merchantes, and others of our *Citye of London*, called *the firſt Colony*, and the other of ſundrie Knightes, Gentlemen, and others of the *Cities of Briſtol and Exeter*, *the Towne of Plymouth*, and other places, called *the Second Colony*. And Wee did by the ſaid Letters-patentes, grante that the ſaid colonies might make theire plantations and habitations in certayne places in the ſame Letters-patentes expreſſed. And Wee did thereby alſo grante that the ſaid colonies ſhould have divers landes, groundes, havens, portes, commodities and hereditaments, and divers privileges and liberties, for their quiett ſetling and good government in the ſaid plantations: In and by which Letters-patentes Wee did declare our pleaſure that We, our heires and ſucceſſors, would from tyme to tyme ordeyne and give ſuch further inſtructions, lawes, conſtitutions, and ordinances, for the better rule and government of ſuch as ſo ſhould make plantation there, as to us, our heires and ſucceſſors, ſhould from tyme to tyme, be thought convenient. And whereas, Wee accordinge to the effecte and true meaning of the ſaid Letters-patents did, by ſeverall letters under our privy ſeal preſcribe and give orders, ordinances, and conſtitutions, for directing and ordering the affayres of the ſame firſt colony. And whereas, afterwards, upon the petition of divers of our loving ſubjects, as well adventurers as planters of the ſaid *firſt Colony*, Wee did by our Letters-patentes in the *ſeaventeenth yere of our raigne*, mention to incorporate divers Noblemen, Knights, Gentlemen, and others, therein particularly named, and all others that ſhould be admitted to joyne with them, by the name of *Treſorer and Company of Adventurers and Planters of the Cittye of London for the firſt Colony in Virginia*, graunting unto them divers landes, territories and countries, in the ſaid Letters-patentes mentioned; with proviſion that they ſhould diſtribute, convey, and aſſigne under theire common ſeale ſuch particular portions of lands to the ſaid adventurers and planters as upon a commiſſion of ſurvey to that purpoſe, ſhould be named, appointed and allowed: And Wee did thereby alſo graunte, that there ſhould be a councell here reſident for the managing of the affaires of the ſaid colonye, with power to place and diſplace officers, and make lawes and ordinances for the government of the ſaid colonye and plantation, and the affaires of the Company: And Wee granted unto the ſaid Treſorer and Company, and their ſucceſſors, divers powers, liberties, and authorities. And afterwards by our Letters-patents in the *nynth yere of our Raigne* of Englande, Wee, for the conſide-

rations therein expreſſed, did further mention to give the ſaid Treſorer and Company, and their ſucceſſors, divers other iſlandes within the ocean ſeas within the lymits, in the ſaid Letters-patentes expreſſed, with other powers and authorities, as by the ſaid Letters-patentes may appeare. And whereas Wee, out of our zeal and affection to the furthering of the ſaid Plantations, having a watchfull and careful eye to the ſame, and finding the courſes taken for the ſetling thereof, had not taken that good effect which Wee intended and ſo much deſired, did by our Commiſſion lately granted to certayne perſons of quality and truſte, cauſe the ſtate of the ſaid countrie of *Virginia* to be examyned howe yt ſtood, as well in pointe of lyvelyhood as government? And how, and in what manner the great ſommes of Money collected, and intended for the good thereof, had been expended and diſburſed? to the end, (if good cauſe were) We might by our royal hand ſupplye what ſhould be found defective. And whereas our Commiſſioners, after much care, labour, and paynes expended in execution of our ſaid Commiſſions, did certifye Us that our Subjects and People ſent to inhabite there, and to plant themſelves in that countrye, were moſt of them by God's viſitation, ſicknes of bodye, famyne, and by maſſacres of them by the native ſavages of the lande, dead and deceaſed, and thoſe that were living of them lived in miſerable and lamentable neceſſity and want; but the Country, for any thing appered to the ſaid Commiſſioners to the contrary, they conceived to be fruitfull and healthfull, after our People had been ſome time there; and that yf induſtrie were uſed yt would produce many Staple and good Commodities, though as yet the ſixteene yeres government now paſt had yielded few or none: and that this negleſte they conceived, muſt fall on the Governors and Company here, who had power to direct the Plantations there, and that the ſaid Plantations are of of greate ymportance, and would, as they hoped, remayne a laſtinge Monument of our moſt gracious and happy Government to all poſterity, yf the ſame were proſecuted to thoſe ends for which they were firſt undertaken: And to that purpoſe, that yf our firſt Grante herein mentioned, and our moſt prudent and princely inſtructions given in the begyning of the plantation for the direction of the affaires thereof, by thirteene councellors in *Virginia*, all nomynated by Us, had been purſued, much better effects had been produced, than had been by the alteration thereof into ſo popular a courſe, and amongſt ſo many handes as then yt was, which cauſed much contention and confuſion; whereuppon We entering into mature and deliberate conſideration of the premiſſes, did, by the advice of the Lordes of our Privie Councell, reſolve, by altering the Charters and Letters-patentes of the ſaid Company, as to the points of governemente wherein the ſame might be found defective, to ſettle ſuch a courſe as mighte beſt ſecure the ſafetye of our People there, and cauſe the ſaid Plantation to floriſh, and yet with preſervation of the intereſt of everie Planter or Adventurer, ſoe farr forth as theire preſent intereſts ſhall not prejudice the publique Plantations: But becauſe the ſaid Treſorer and

Companye did not ſubmit theire Charters to be reformed, our proceedings therein were ſtayed for a time, untill, upon a *quo warranto* brought, and a legall and judiciall proceeding therein by due courſe of Lawe, the ſaide Charters are avoided. Nowe, foraſmuch as we are ſtill reſolved and determyned to proceed in the courſe which We ever intended for the good of the ſaid Plantation, which our deſire is to effecte and eſtabliſh by a new Charter, to be made in ſuch manner as ſhall be founde moſt convenyent for the generall good of the ſaid Plantation and Colony; and becauſe the pointes of the ſaid Charter newly to be granted may be many, and as well in reſpecte of the nomber as of the nature and conſequence of them, will require adviſed conſideration and deliberation before yt be paſſed, and much tyme, care and paines muſt be taken therein, and yet the leaſte delay may prove perilous to the ſaid Plantations and Colony, which may ſuffer much inconveniency for wante of good government and direction, yf in the mean tyme it be not well ordered. Knowe yee, that Wee, for the better progreſſion to the effecting of this our royal pleaſure, and repoſing aſſured truſte and confidence in the underſtanding, care, fidelity, and circumſpection of you the ſaid Lorde Preſidente of our Councell, Lord Paget, Lord Chicheſter, Sir Thomas Edmondes, Sir John Suckling, Sir George Calverte, Sir Edward Conwey, Sir Richard Weſton, Sir Julius Cæſar, Sir Humfrey May, Sir Baptiſte Hickes, Sir Thomas Smith, Sir Henry Mildmay, Sir Thomas Coventrye, Sir Robert Heath, Sir Ferdinando Gorges, Sir Robert Killigrew, Sir Charles Montague, Sir Phillipp Carie, Sir Francis Goſton, Sir Thomas Wroth, Sir John Wolſtenholme, Sir Nathaniel Rich, Sir Samuel Argall, Sir Humfry Handforde, Matthewe Sutcliff, Francis White, Thomas Fanſhaw, Robert Johnſon, James Cambell, Raphe Freeman, Morice Abbott, Nathaniel Butler, George Wilmore, William Hackwell, John Mildmay, Philippe Germaine, Edward Johnſon, Thomas Gibbes, Samuel Wrote, John Porey, Michael Hawes, Edward Palavicine, Robert Bateman, Martyn Bonde, Thomas Styles, Nicholas Leate, Roberte Bell, Abraham Cartwright, Richard Edwardes, John Dyke, Anthony Abdye, William Palmer, Edward Dachfield, George Mole, and Richard Morer, Have aſſigned and appoynted you to be our Commiſſioners: And We doe hereby give unto you, or any ſix or more of you (whereof ſome of you the ſaide *Lord Preſidente* of our Councell, Lord Chicheſter, Sir Thomas Edmondes, Sir John Suckling, Sir George Calverte, Sir Edward Conway, Sir Richard Weſton, and Sir Julius Cæſar, to be one) full power and authoritie to take into your conſiderations the ſtate of the ſaid Colony and Plantation, and to treate, conſulte and conſider, of all matters whatſoever concerning the ſaide Colony and Plantation, as well for the ſafety of the people there, ſtrength of the Place, and Governmente to be exerciſed there, as for the manageing of the buſines and affaires thereof here in England; and, upon deliberate conſideration thereupon had, to directe and ſettle all buſines and affaires concernyng the ſame

ſame in ſuch manner, and by ſuch orders, rules, and directions, and ſuch good wayes and meanes as you, or any ſuch ſix or more of you as aforeſaid, ſhall for the preſente, in your wiſdomes and diſcretions, finde moſt neceſſarie fytt and convenyent. And, to the end you may the better be enabled to performe the ſame, Wee doe hereby give unto you, or any ſuch ſix or more of you as aforeſaid, full power and authoritye to putt in execution, and to doe, performe, and execute, according to your good diſcretions, all, every, or any of the powers, authorities, priviledges, matters and things whatſoever concernynge the ſaide Colony and Plantation, and the Inhabiters, Planters, and Adventurers of, in, or unto the ſame, which by the aforeſaid Letters-patents, or any of them, Wee mentioned to be graunted to the ſaide Treſorer and Company, or any of them, or to the Treſorer and Councell for the ſaide *Firſt Colony*, or any of them, or which they, or any of them might have done, executed, or performed by vertue of any oure ſaide Charters, Letters-patentes, Grauntes, or Inſtructions whatſoever, before the judgment given upon the ſaid *Quo Warranto*; and to take into your handes, or into the handes of ſuch as you, or any ſuch ſix or more of you ſhall appoint, all ſuch Goodes, Chattels, Merchandizes, and Money as are in the handes of any perſon or perſons, for or concernyng the publique uſe of the ſaid Colony and Plantation, or any of them, or of the ſaid pretended Governor and Companye; and further, to give order and direction for ſending of ſupplye to the ſaide Colony, as well by and oute of the ſaide Goods, Merchandizes and Money, as by ſuch other way or meanes as you, or either ſuch ſix or more of you as aforeſaid, ſhall thinke fyt and convenyent: And further, that you, or any ſuch ſix or more of you as aforeſaide, ſhall have full power and authority by vertue of theiſe preſents, to give direction for aſſembling and calling together from tyme to tyme, as occaſion ſhall require, the Adventurers or Planters, to conferre with them of and concernyng ſuch matters and thinges as may in any wiſe tend to the advauncement, furtheraunce, or ſetling of the ſaid Plantation; and to appoint Committees, for the due preparation of ſuch affayres of the ſaide Plantation, as to you, or any ſuch ſixe or more of you, ſhall ſeeme meete and convenient. And further, Wee do by theiſe preſentes, give like power and authoritie unto you, or any ſuch ſix or more of you, to conſulte, conſider of, propoſe, and ſet downe, all ſuch matters and thinges as you in your judgments and diſcretions ſhall thinke moſte neceſſarie and convenient for the ſetling and eſtabliſhing of the Governmente of the ſaid Colony or Plantation, and concernyng the Planters and Adventurers and Inhabitantes thereof, and of the Trade and Traders to and from thence, and of all other thinges whatſoever, requiſite for the uphoulding, mayntenance, increaſe and contynuance of the ſame Colony or Plantation, Trade or Traffique, which may be neceſſary to be incerted in the new Charter by us intended to be made for the good of the ſaid plantation and colony: And Wee doe hereby ſigniſie and declare, that in caſe

you in your proceedings upon this Commiſſion, ſhall upon any queſtion or doubte which ſhall ariſe, fynde yt requiſite to certifie any of your proceedings, and pray ayde from us or our Privie Councell, that then upon certificate of ſuch your proceedings and doubte unto the Councell boarde, from whence Wee may receive information thereof, Wee, or our Privye Councell, will give ſuch directions and aſſiſtance for further proceeding in everie ſuch caſe as ſhall be moſt neceſſary and convenient. And our further will and pleaſure ys, that yf any Perſon or Perſons ſhall, at any tyme or tymes hereafter, be willing to joyne together in the rayſing of any magazin or joynte-ſtock to be ſent unto the ſaid Colony, that in ſuch caſe everie ſuch Adventurer, ſoe by your conſent and privity adventuring as aforeſaid, ſhall have a free voyce in the ordering, managing, and diſpoſing of ſuch magazyn or jointe-ſtock, or anything concerning the ſame. And, for your better helpe and aſſiſtance in the exacte execution of this our pleaſure, Wee doe by theiſe preſents gyve unto you, or any ſuch ſix or more of you, power and authority to take unto your handes and cuſtody, the Seales of the Treſorer, Company and Councell of *Virginia*, and to take into your handes, and to keepe and peruſe, all and ſinguler ſuch Charters, Letters-patentes, Grantes, and Inſtructions as have by Us been heretofore made, graunted, or given, or mentioned to be made, granted, or given to the ſaid Treſorer and Company, or any other concerning the ſaid Colony and Plantation; and all Bookes, Orders, Letters, Advices, and other Writings and thinges in any wiſe concerning the ſaid Colony and Plantation, in whoſe handes ſoever the ſame be, requiring all perſons to deliver the ſame unto you, whereby you may be the better informed and enabled to proceed in this worke of ſoe deepe and greate ymport and conſequences; willing and requiring you to be dilligent and attendante in the execution of the ſame. And laſtly, our will and pleaſure is, that this our Commiſſion ſhall contynue in force untill ſuch time as We, by writing under our ſignet, or privie ſeale, ſhall ſigniſie our pleaſure to the contrary: And that you, our ſaid Commiſſioners, ſhall and may, from tyme to tyme, proceed in the execution of the ſame, and of all thinges therein conteyned according to the true meaning thereof, although the ſame be not contynued by adjournment.

In Witnes whereof, *&c.*

Witnes our ſelfe, at *Weſtminſter*, the fifteenth day of July.

PER IPSUM REGEM.

De

De Commiſſione ſpeciali concernente Gubernationem in Virginia.

[Rymer Vol. XVII. Page 618, A. D. 1624.]

JAMES, by the Grace of God, King of *England*, *Scotland*, *France*, and *Ireland*, Defender of the Faith, &c. To our truſtie and welbeloved, Sir Francis Wyatt, Knight, Francis Weſt, Eſquire, Sir George Yardley, Knight, George Sandys, Eſquire, Roger Smith, Eſquire, Ralph Hamor, Eſquire, John Martin, Eſquire, John Harvey, Eſquire, Samuel Mathewes, Eſquire, Abraham Percy, Eſquire, Iſaack Maddiſon, Eſquire, and William Clayborn, Eſquire, Greeting. Whereas heretofore, at the humble ſuite of divers of our loving Subjects, intending to deduce a Colonie, and to make Habitation and Plantation of ſundry our People in that parte of *America*, commonly called *Virginia*, and other parts and territories in *America ;* Wee, greatly commending and graciouſly accepting their deſires to the furtheraunce of ſoe noble a worke, did, by our Letters-patents in the fowerth yere of our raigne of *England*, graunt to divers Knights, Gentlemen, and others, for the more ſpeedy accompliſhment of the ſaid Plantation, that they ſhould devide themſelves into twoe Colonies, the one conſiſting of divers Knights, Gentlemen, Marchants, and others of our *Cittie* of *London*, called the *Firſt Colonie ;* and the other, of ſundry Knights, Gentlemen, and others of the *Citties* of *Briſtoll* and *Exeter*, the *Towne* of *Plimouth*, and other places, called the *Second Colonie ;* and Wee did by the ſame Letters-patents graunt, that the ſaid Colonie might make their Plantations and Habitations in certaine places in the ſame Letters-patents expreſſed ; and that the ſaid Colonies ſhould have divers lands, grounds, havens, portes, commodities, and hereditaments, and divers priviledges and liberties for the quiet ſetling and good government in the ſaid Plantations : In and by which Letters-patents, Wee did alſo declare our pleaſure, that Wee, our heires and ſucceſſors, ſhould from tyme to tyme, ordayn, and give ſuch further Inſtructions, Laws, Conſtitutions, and Ordinance, for the better rule and government of ſuch as ſoe ſhould make Plantation there, as to Us, our heires and ſucceſſors, ſhould from tyme to tyme be thought convenient. And whereas Wee, according to the effect and true meaning of the ſaid Letters-patents, did, by ſeverall Letters under our privy Seale, preſcribe and give orders, ordinances, and conſtitutions, for the directing and ordering of the affaires of the ſaid *Firſt Colonie ;* and whereas afterwards, upon the petition of divers of our loving Subjects, as well Adventurers as Planters of the ſaid *Firſt Colonie*, Wee did by our Letters-patents in the ſeaventh yeare of our raigne, mention to incorporate divers Noblemen, Knights, Gentlemen, and others, therein particularly named,

named, and all others that ſhould be admitted to joyne with them, by the name of *Treaſurer and Company of Adventurers and Planters of the Cittie of London, for the Firſt Colonie in Virginia ;* granting unto them divers lands, territories, and countries, in the ſaid Letters-patents mentioned ; with proviſion that they ſhould diſtribute, convey, and aſſign under their common ſeale, ſuch perticular portions of land to the Adventurers and Planters, as upon ſuch a commiſſion of ſurvey to that purpoſe, ſhould be named, appointed, and allowed.

And Wee did thereby alſoe graunte that there ſhould be a Councell here reſident, for the managing of the affaires of the ſaid Colonie, with power to place and diſplace Officers, and make Laws and Ordinances for the government of the ſaid Colonie and Plantation, and the affaires of the Companie ; and afterwards, by our Letters-patents in the nynth year of our raigne of *England*, Wee, for the conſiderations therein expreſſed, did further mention to give to the ſaid *Treaſurer and Companie*, and their Succeſſors, divers other Iſlands within the Ocean Seas, within the limitts in the ſaid Letters-patents expreſſed, with other powers and authorities, as by the the ſaid Letters-patents may alſoe appeare. And whereas Wee, out of our zeal and affection to the furthering of the ſaid Plantations, having ſtill a watchfull and carefull eye to the ſame, and finding the courſes taken for the ſetling thereof, had not taken the good effect which Wee intended and ſo much deſired, did by our Commiſſion lately graunted to certaine Perſons of Qualitie and Truſt, cauſe the ſtate of the ſaid country of *Virginia*, to be examined how it ſtood, as well in point of livelihood as government ; and howe, and in what manner, the great ſommes of Money collected and intended for the good thereof, had bin expended and diſburſed, to the end, yf good cauſe were, Wee might by our royall hand, ſupply what ſhould be defective. And whereas our Commiſſioners, after much care and paines expended in execution of our ſaid Commiſſions, did certifie us, that our Subjects and People ſent to inhabite there, and to plant themſelves in that country, were moſt of them by God's viſitations, ſickneſs of bodie, famine, and by maſſacres of them by the native ſavages of the land, dead and deceaſed, and thoſe that were living of them, lived in neceſſitie and want, and in danger by the Savages, but the Country, for any thing appeared to the ſaid Commiſſioners to the contrary, they conceaved to be fruitfull and healthfull after our People had bin ſome time there ; and that if induſtry were uſed it would produce divers good and ſtaple Commodities, though in the ſixteene years government paſt, it had yealded fewe or none ; and that this neglecte they conceaved muſt fall on the governors and companie here, who had power to direct the plantations there, and that the ſaid plantations were of great importance, and would, as they hoped, remayne a laſting monument of our moſt gracious and happie Government to all Poſteritie, yf the ſame were proſecuted to thoſe ends for which they were firſt undertaken ; and to that purpoſe that yf our firſt graunt herein mentioned, and our moſt

moſt prudent and princely inſtructions given in the beginning of the Plantation, for the direction of the affaires thereof by thirteene councellors in *Virginia*, and as manie here, all nominated by Us, had bin purſued, much better effect had bin produced then had bin by the alteration thereof, into ſoe popular a courſe, and amongſt ſoe many hands as then it was, which cauſed much contention and confuſion: Whereupon Wee entring into mature and deliberate conſideration of the premiſſes, did, by the adviſe of the Lords of our Privie Counſell reſolve, by altering the Charters of the ſaid Company, as to the point of government wherein the ſame might be found defective, to ſettle ſuch a courſe as might beſt ſecure the ſafetie of the People there, and cauſe the ſaid Plantation to flouriſh, and yet with the preſervation of the intereſt of every Planter or Adventurer, ſoe far forth as their preſent intereſts ſhall not prejudice the publique Plantations; but becauſe the ſaid *Treaſurer and Company* did not ſubmitt their Charters to be reformed, our proceedings therein, were ſtayed for a tyme, untill, uppon a *Quo Warranto* brought, and a legall and judiciall proceeding therein by due courſe of Lawe, the ſaid Charters were, and nowe are, and ſtand avoyded. And becauſe Wee were and are ſtill reſolved to proceed unto the perfecting of that work which Wee have begune for the good of the ſaid Plantation, by a newe Charter, to be made in ſuch manner as ſhall be found moſt fitt and convenient; yet for that the points and parts of the ſaid Charter muſt be neceſſarily be manie and difficult, and will require much tyme and care, and adviſe, to weigh and conſider the ſame before it be paſſed, and yet the leaſt delay might prove dangerous to the ſaid Colonies and Plantations, yf during the tyme of this deliberation they ſhould want direction and government; for the better progreſſion therefore, to the effectinge of this our royall pleaſure, Wee, by our Commiſſion, under our great ſeale of *England*, bearing date the *fifteenth day of July*, in the year of our raigne of *England*, *France*, and *Ireland* the twoe and twentith, and of *Scotland* the ſeven and fiftieth, did give power and authoritie unto our right truſtie and right well beloved coſen and counſellor, *Henry Viſcount Mandevill*, Lord Preſident of our Counſell, and divers others of our Privie Counſell, and others, to treate, conſult, and conſider of all matters whatſoever concerning the ſaid Colonie and Plantation, as well for the ſafetie of our people there, ſtrength of the place, and government to be exerciſed there, as for managing the buſineſs and affaires thereof, here in *England*, and to execute and perform divers other things conduceing thereunto, in ſuch ſorte as by our ſaid Commiſſion may at lardge appeare. In the execution of which our ſaid Commiſſion, our ſaid Commiſſioners have already made ſome good beginning, and have given Us this humble adviſe, that by a like commiſſion from us, Wee would appoint and authoriſe ſuch other diſcreet perſons reſiding in the parts of *Virginia*, as Wee ſhould think fitt to be our preſent Councell for the ordering, managing, and governing of the affairs of that Colonie and Plantation and of the Perſons there already inhabiting, or which hereafter ſhall be, or inhabit there; untill ſome other conſtant and ſetled

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courſe be reſolved upon and eſtabliſhed by us. Know yee, therefore, that Wee repoſing aſſured truſt and confidence in the underſtanding, care, fidelitie, experience, and circumſpection of you the ſaid Sir Francis Wyatt, Francis Weſt, Sir George Yardeley, George Sandys, Roger Smith, Ralph Hamor, John Martin, John Harvy, Samuell Mathews, Abraham Perrey, Iſaacke Madiſon, and William Clayborne, have nominated and aſſigned, and do hereby nomynate and aſſigne you the ſaid Sir Francis Wyatt, to bee the preſent Governor, and you the ſaid Francis Weſt, Sir George Yardeley, and the reſt before mentioned, to be our preſent Councell of and for the ſaid Colonye and Plantation in *Virginia*: Giving and granting unto you, and the greater nomber of you, by theis preſents reſpectively, full power and authoritie to performe and execute the places, powers, and authorities incident to a Governor and Councell in *Virginia*, reſpectively, and to direct and governe, correct and puniſh our Subjects nowe inhabiting or being, or which hereafter ſhall inhabite or be in *Virginia*, or in any the iſles, portes, havens, creakes, or territories thereof, either in tyme of peace or warre, and to order and direct the affaires, touching or concerning that Colonie or Plantation in thoſe forraigne partes onely; and doe, execute and performe all and every other matters and things concerning that Plantation, as fullye and amplye as any Governor and Councell reſident there, at any tyme within the ſpace of five yeares now laſt paſt, had or might performe or execute: Nevertheles, our will and pleaſure is, that yee proceed therein according to ſuch inſtructions as yee, or ſuch of you, as have bene heretofore of our Councell there, have received, or according to ſuch inſtructions as you ſhall hereafter receave from Us, or our Commiſſioners here to that purpoſe or intent. And our further pleaſure is, and Wee doe hereby give power and authority, and doe will and commaunde, that you the ſaid Sir Francis Wyatt, Francis Weſt, Sir George Yardeley, George Sandys, Roger Smyth, Raphe Hamor, or anie two of you, who have already beene of our Councell in thoſe partes for the Plantation there, ſhall miniſter unto the ſaid John Martin, John Harvey, Samuell Mathewes, Abraham Perrey, Iſaack Madiſon, and William Clayborne, and everie of them, the like oath uppon the Holy Evangeliſt as yee, or any of you, have already taken, as Councellor of and for the ſaid Colony or Plantation, willing and requiring you to bee dilligent and attendant in the execution of this our ſervice and commaundement; and alſoe willing and commaunding all other our loveing ſubjects to be directed and governed by you, or the greater nomber of you, in all things according to the intention and true meaning of theſe preſents. And laſtly, our will and pleaſure is, that this our Commiſſion ſhall continue in force untill ſuch tyme as Wee by ſome other writing under our Signett, privie Seale, or greate Seale, ſhall ſignify our pleaſure to the contrary. In Witneſs whereof, &c.

Witnes our ſelf at *Weſtminſter*, the ſix and twentieth day of Auguſt.

Per Breve de Privato Sigillo.

A PROCLAMATION *concerning* TOBACCO.

[Rymer, Vol. XVII. page 621. A. D. 1624.]

WHEREAS our Commons aſſembled in our laſt Seſſions of Parliament became humble Petitioners unto us, that for many waighty Reaſons much concerning the Welfare of our Kingdom, and the Trade thereof, we would by our Royal Power utterly prohibite the Uſe of all foreyne *Tobacco*, which is not of the Growth of our own Domynions: And whereas, Wee have upon all Occaſions made known our Diſlike Wee have ever had of the Uſe of Tobacco in generall, as tending to the Corruption both of the Health and Manners of our People, and to that Purpoſe have at ſeverall Tymes heretofore prohibited the planting of Tobacco, both in England and Wales, as utterly unfyt in Reſpect of the Clymate to cheriſhe the ſame for any medicinall Uſe, which is the only Good to be approved in yt; and at other Tymes have alſo prohibited the diſorderly trading for Tobacco into the Partes beyond the Seas; as by our ſeveral Proclamations publiſhed to that Purpoſe yt may appeare: Nevertheles, becauſe we have been erneſtly and often ymportuned by many of our loving Subjects, Planters and Adventurers in *Virginia* and the *Sommer Iſlandes*, and and lately our Commiſſioners for *Virginia*, that We would be pleaſed to take into our Royal Care, that Part of our Dominions by our Royal Authority, and by the Induſtrye of our loyal Subjects, added to the Reſt of our Empyre, for the Propagation of Chriſtian Religion, and the Eaſe and Benefyt of this populous Realme; and to conſider that thoſe Colonyes and Plantations are yet but in their Infancy, and cannot be brought to Maturity and Perfection, unles we will be pleaſed for a Tyme to tollerate unto them the planting and venting of the *Tobacco*, which is, and ſhall be of the Growth of thoſe Colonies and Plantations; Wee, taking into our princely Conſideration, theſe and many other ymportant Reaſons of State, have been graciouſly pleaſed to condeſcend to the Deſires and humble Petitions of our loving Subjects in this Behalfe. And therefore, We doe by theiſe Preſents ſtraightly charge and command, that no perſon whatſoever, of what Degree or Quality ſoever, doe at any Tyme hereafter ymporte, or cauſe to be ymported, from any Parte beyonde the Seas, or out of our Kingdome of Scotland, into this our Realme of England, or Dominion of Wales, or into our Realme of Ireland, any *Tobacco*, which is not of the proper Growth of the Plantation of *Virginia* and the *Sommer Iſlandes*, or one of them, upon Payne of Forfeiture unto Us of all ſuch *Tobacco* to be ymported, contrarie to the true Meaning of theiſe Preſents, in whoſe Handes ſoever the ſame ſhall be found, and upon ſuch further Pains and Penalties, as by the Lawes and Statutes of theiſe our Realmes, or by the Severitie or Cenſure of our Courte of Starchamber in either of thoſe Kingdomes reſpectively, may be inflicted upon the Offendors for Contempte of this our royall Commaunde,

and to be reputed and taken as Enimyes to our Proceedings, and to thoſe Plantations, which ſoe much concern our Honor, and the Honor and Profit of theſe our Kingdomes. And We further will and command, upon the Penalties aforeſaid, that from henceforth no Perſon or Perſons whatſoever, preſume to ſowe, ſett, or plante, or cauſe, or permit, or ſuffer to be ſowed, ſett, or planted, in any of his or their Groundes, any *Tobacco* whatſoever, within theiſe our Realmes of England, or Ireland, or Domynion of Wales, or any Iſles or Places belonging thereto; or permit or ſuffer any ould Stock, Plant or Roote of *Tobacco*, formerly ſett, ſowed, or planted there, to contynue not plucked upp and utterly deſtroyed, contrary to the Tenor and true Meaning of a former Proclamation, made and publiſhed by us to that Purpoſe, bearing Date the *thirtith day of December*, in the Seaventeenth Yeare of our Raigne of England. And We further ſtraightly charge and command, upon the Paines and Penalties aforeſaid, that no Perſon whatſoever preſume to buy or ſell any *Tobacco*, which from henceforth ſhall be ymported or brought from any the Partes beyonde the Seas, or from our Realme of Scotland, which is not or ſhall not be of the proper Growth of the Collonies aforeſaid of *Virginia* and the *Sommer Iſlandes*, or one of them. And becauſe Wee underſtand that ſome, whoe intende their owne private, more then the publique Advantage, conceiving yt to be probable, that We would grant the Petition of our Commons in Parliamente to prevent the Effect thereof, have lately ymported ſecretly and by Stealth great Quantities of Forrayne *Tobacco*, for which they have payed noe Subſidye, or other Dutie unto Us; Wee further will and commande, under the Payns and Penalties aforeſaid, that noe Perſon whatſoever, from and after the *Five and Twentieth Day of March* now nexte enſueing, preſume to ſell, or offer to put to Sale, within theiſe our Realmes or Domynion, any *Tobacco*, which hath been formerly ymported into this Realme, which is not of the proper Growth of the Colonies or Plantations aforeſaide, or one of them; nor that any Perſon whatſoever, willingly or knowingly take or uſe any *Tobacco* from and after the *Firſt Day of May* nowe next enſueing, which is not, nor ſhall be of the proper Growth of the ſaid Collonies or Plantations, or one of them; yet becauſe the ſaid Forreyne *Tobacco* may not lye on the Handes of the Owners thereof, Wee are graciouſly pleaſed, that at any Tyme within *Fourteen Days* after the ſaid *Five and Twentieth Day of March*, ſuch Forrayne *Tobacco* may be freely exported by any Perſon whatſoever, without paying any ſubſidye or other Dutye for the ſame.

And becauſe noe Man ſhall pretend Ignorance, and thereby endeavour to excuſe his Offence in any of the Premiſſes, Wee doe further chardge and commande, and doe hereby ſignify and declare our Will and Pleaſure to be, that all and everie other Perſon and Perſons, Merchaunte, or other, whoe uſeth to ſell, or hath any Purpoſe to ſell *Tobacco*, whoe have in his or theire Handes, Cuſtody, or poſſeſſion, or in the Handes, Cuſtody or Poſſeſſion of any other by their Delivery, or to their Uſe, any *Tobacco* heretofore ymported into this our Realme, or planted, ſett, or ſowen within this Realme;

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ſhall, before the *Twentith Day of October* nowe next comeing, bring the ſame into our Cuſtome Houſe within our City of London; yf ſuch *Tobacco* be in any other City, Towne or Place within this our Realme of England, or Domynion of Wales, or Realme of Ireland, ſhall bring the ſame to the Towne-Houſe, or other fyt Place which ſhall be to that purpoſe appointed by Us, in that Citye or Corporate Town neereſt to which the ſaid *Tobacco* ſhal be; and ſhall before the *Firſt Day of December* now next coming, there require and cauſe the ſame to be marked and ſealed by ſuch Perſon or Perſons, and with ſuch Seale and Marke as Wee ſhall thereunto aſſigne or appoynte for that Purpoſe, without giving any Fee or Allowance for the ſaid Seal or Mark: And whatſoever *Tobacco* ſhall not be ſealed or marked as aforeſaid, within the ſeverall Tymes aforeſaid, ſhall be confiſcated and forfeited unto Us for ſuch their Default and Contempte. And for the avoyding of all Deceipt and Abuſe in diſguiſing of *Forrayne Tobacco*, or mingling the ſame with the *Tobacco of Virginia*, or the *Sommer Iſlands*, thereby to defraude the true Intente of theſe Preſents; We further ſtraightly commaunde under the Paynes and Penalties aforeſaid, That noe perſon who ys or ſhall be a Seller of *Tobacco*, ſhall have or keepe ready cut above the quantity of one pound of *Tobacco* at once, nor ſhall myngle any foreyne *Tobacco* with any *Tobacco* of the Growth of the *Sommer Iſlandes*, or *Virginia*. And Wee ſtraightly chardge and commaunde, that all the Planters of *Tobacco* in the Collonies aforeſaid, or any Parte thereof, ſhall make the ſame good and merchantable, and ſhall not preſume to ſend over into this Realme of England any *Tobacco* which ſhall not be good and merchantable, and well made up in Roll, without Stalkes, or other bad and corrupt Stuff, upon payne of Confiſcation thereof, or ſo much thereof as, uppon due Tryall made, ſhall be found to be otherwiſe, to the Intent that ſuch of our Subjects as ſhall deſire to uſe the ſame, may not be abuſed or deceived therewith, to the ympayring of theire Health: And to the Intente that the *Tobacco* of the Colonies and Plantations aforeſaid, thus tollerated by Us, may be knowne and diſtinguiſhed from ſuch as ſhall be ſecretly and without Warrant brought in by Stealth, Wee doe likewiſe ſtraightly charge and commaund, upon the Paynes and Penalties aforeſaid, that all ſuch *Tobacco* as ſhall be broughte from the Collonies aforeſaid, ſhall be all brought and landed at the Key of our Cuſtome-Houſe in our Citty of London, and not elſewhere in any of our Realmes or Domynions, and ſhall be there regiſtred, and ſhall not be removed from our ſaid Cuſtome-Houſe, untill yt ſhall be there firſt tryed, ſealed, and marked by ſuch Perſon or Perſons, and with ſuch Seal or Mark as we ſhall thereunto aſſign and appoint, ſuch Seal or Mark to be ſett thereto without Fee or other Reward whatſoever. And Wee do further ſtraightly charge and command upon the Payns and Penalties aforeſaid, that all Owners of Shippes be carefull to ymploye ſuch Maiſters in their Shippes, or or other Veſſells from whome they will take good Caution not to offend in

the Ymportation of any *Tobacco*, contrarie to this our Royall Pleaſure: And Wee do ſurther ſignifye and declare by theiſe Preſentes, that Wee will require an exacte Accompte of the Maiſter of every Shippe or other Veſſell, that he ſhall make ſuch diligent and carefull Search over the Marriners and Paſſengers in his Shippe or other Veſſell, that none of them ſhall convey over into theiſe our Realmes of England, or Ireland, or Domynion of Wales, or into any Porte, Haven, Creeke, or other Parts thereof, any *Tobacco* to be ymported contrarie to the true Intent and Meaning of theſe Preſentes: And that our Cuſtomers, or their Deputies in everie Port of theis our Realmes of Englande and Ireland, ſhall uppon Oath examine everie Maſter of a Ship or other Veſſell, or other Officers and Marriners in the ſaid Ship or Veſſell, whether they have made Search in the Ship or Veſſell for *Tobacco?* and whether any *Tobacco* be in the ſaid Shippe or Veſſell to their Knowledge? and whether any *Tobacco* were laden in the ſaid Shippe or Veſſell and be taken out thereof? and what is become of the ſame? and yf any Maiſter of a Shipp or other Veſſell ſhall willfully or negligently permitt or ſuffer any *Tobacco* to be ymported, or ſhall otherwiſe offend contrarie to theiſe Preſentes, everie ſuch Maiſter, becauſe it is in his Power to prevent the ſame, ſhall alſo be anſwerable to Us for his Contempte herein, and ſhall be ſubject and lyable to all the Paynes and Penalties aforeſaid, as well as yf he himſelf had actually and purpoſely committed the ſaid Offence. And whereas, Wee are informed that ſome Traders in *Tobacco* do uſe to ymporte *Tobacco* in Forrayne Bottoms, Wee ſtraightly chardge and command that noe Perſon whatſoever, either Stranger, Denizen, or naturall borne Subjecte, preſume to ymport any *Tobacco* whatſoever in any Forraigne Bottom at any Time hereafter, upon Pain of Confiſcation, not only of the ſaid *Tobacco*, but alſo of the Ship or Veſſell wherein the ſame is ſo ymported, and upon the other Paynes and Penalties aforeſaid: And for the better Execution of our Pleaſure herein, Wee doe hereby command all and ſingular Cuſtomers, Comptrollers, Searchers, Wayters, and other Officers, attending in all and everie the Portes, Creekes, or Places of lading and unlading, for the taking, collecting, or receiving of any of our Cuſtoms, Subſidies, or Duties, to take Notice of this our Pleaſure: And Wee doe hereby command and give Power and Authoritie unto them, and everie of them, from Tyme to Tyme, as well to ſearch any Shippe or other Veſſell or Bottome, riding or lying within any Porte, Haven, or Creeke, within their ſeveral Charge of Attendance, for all all *Tobacco* ymported contrary to the Intente of this our Royall Proclamation, and the ſame being founde to ſeize and take to our Uſe; and alſoe to take Notice of the Names, and apprehend the Bringers in, and Buyers of the ſame, to the End they may receive condign Puniſhment for their Offences, upon Payne that everie of the ſaid Officers which ſhall be found negligent, remiſſe, or corrupt therein, ſhall loſe his Place and Entertaynemente,

tertaynemente, and undergoe ſuch Paynes and Penalties, as by our Laws, or by the Cenſure of our ſaid Courte of Starchamber may be inflicted upon them for the ſame. And Wee do likewiſe will, ordeyne, and appoint, that yt ſhall and may be lawfull for ſuch Perſon or Perſons, as ſhall be thereunto authoriſed and appointed by Us, by him or themſelves, or his or their Deputie or Deputies, with a lawfull Officer, to ſearch any Ship or other Veſſell, and to enter into any Shoppe, Houſe, Sellar, Warehouſe, or other ſuſpected Places, at lawfull and convenient Tymes, and there to ſearch, diſcover, and finde out any *Tobacco* imported, uttered, ſould or vented, not marked or ſealed as aforeſaid, contrarie to the true Meaning hereof; and all ſuch *Tobacco* ſo founde to ſeize, take away and diſpoſe of, and the Owners thereof, or in whoſe Cuſtody the ſame ſhall be found, to informe and complayne of, to the End they may receive Punyſhment according to our Pleaſure before herein declared. And further, We do by theiſe Preſentes, will and requyre, all and ſinguler Mayors, Sheriffs, Juſtices of Peace, Bailiffs, Conſtables, Headboroughes, Cuſtomers, Comptrollers, Searchers, Wayters, and all other our Officers and Miniſters whatſoever, that they, and every of them, in their ſeveral Offices and Places, be diligent and attendant in the Execution of this our Proclamation, and alſo ayding and aſſiſting unto ſuch Perſon and Perſons, and his and their Deputies and Aſſignes, as Wee ſhall ſoe as aforeſaid authoriſe and appointe, as well in any Search for Diſcoverie of any Acte or Actes to be performed contrarie to the Intent of theiſe Preſentes, as otherwiſe in the doing or executing of any Matter or Thing for the Accompliſhment of this our Royall Command. And further, our Will and Pleaſure is, and Wee doe hereby chardge and command our Attorney Generall for the Tyme beiug, to inform againſt ſuch Perſons in our Court of Starchamber, from Tyme to Tyme, whoſe Contempt and Diſobedience againſt this our Royall Command ſhall merit the Cenſure of that Courte; and to proſecute everie ſuch Information ſpeedily and effectually until the ſame ſhall be brought to Sentence. And our Pleaſure and Command ys, that all the *Tobacco* which, uppon any Seizure ſhall become forfyted, ſhall brought to our Cuſtom Houſe next adjoyning to the Port or Place where the ſame ſhall be ſeized, where the Seizor thereof ſhall deliver the ſame to our Uſe, and the ſame ſhall be forthwith burnt, conſumed, and deſtroyed, but the Offender before he be diſcharged, ſhall pay to the Party who ſeized the *Tobacco*, the one halfe of the true Value thereof; and that ſuch Perſon or Perſons whom Wee ſhall appointe ſpecially by our Privy Seale, to take Care and Charge to the Execution of our Pleaſure in the Premiſſes, ſhall have the one halfe of all the Fynes to be impoſed upon everie Offendor againſt this our Proclamation, for their Encouragement to be diligent and faithfull in and aboute the Performance of that Servyce We ſhall ſo commit unto them.

Given

Given *at our Honour of Hampton Court*, the nyne and twentith Day of September, in the two and twentith Yere of our Raign of England, France, and Ireland, and of Scotland the eight and fiftith.

PER IPSUM REGEM.

De Conceſſione Demiſſ. Edwardo Dichfeild et aliis.

[Rymer Vol. XVII. Page 633, A. D. 1624.]

JAMES, by the Grace of God, &c. To all to whome, &c. Greeting. Whereas upon the humble Petition of our Commons aſſembled in our late Seſſion of Parliament, touching the Prohibition of the Uſe of all Forrayne Tobacco; and uppon the earneſt and often Importunities of many of our loving Subjects, Planters and Adventurers in *Virginia* and the *Sommer Iſlandes*, and laſtlye, uppon the humble Deviſe of our Commiſſioners for *Virginia*, Wee were well pleaſed for many waightye and important Reaſons of State, by our Royall Proclamation, bearing Date the *nyne and twentith Day of September* nowe laſte paſte, to ſignify our Will and Pleaſure to be; and thereby ſtreightlye to chardge and commaund, that noe Perſon whatſoever, of what Degree or Quality ſoever, doe at any Tyme heereafter import or cauſe to be ymported, from any Parts beyond the Seas, or out of our Kingdome of Scotland, into this our Realme of England, or Domynion of Wales, or into our Realme of Ireland, any Tobacco which is not of the proper Growth of the Plantations of *Virginia* and the *Sommer Iſlands*, or one of them, uppon Payne of Forfeyture unto Us of all ſuch Tobacco ſoe to be ymported, contrary to the true Meaning of our ſaid Proclamation, in whoſe Handes ſoever the ſame ſhould be found, and uppon ſuch further Paynes and Penalties as in the ſaid Proclamation are expreſſed: And becauſe noe Man ſhall pretend Ignorance, and thereby indeavour to excuſe his Offence in any of the Premiſſes: Wee did further charge and commaunde by our ſaid Proclamation, that all and every Perſon and Perſons, Marchant or other whoe uſeth to ſell, or hath any Purpoſe to ſell any Tobacco, whoe have in his or theire Hands, Cuſtodye or Poſſeſſion, or in the Hands, Cuſtodye, or Poſſeſſion of any other by their Delivery, or to theire Uſe, any Tobacco heeretofore ymported into this Realme, or planted, ſett, or ſowen within this Realme, ſhould, before the *twentith Day of October* nowe nexte coming, bring the ſame unto our Cuſtome Houſe within our Citty of London, if any ſuch Tobacco be within five Myles of our ſaid Cittie; or if ſuch

Tobacco

Tobacco be in any other Citty, Towne, or Place within this our Realme of England, or Domynion of Wales, or Realme of Ireland, ſhall bring the ſame to the Towne-Houſe or ſome other fit Place, which ſhall be to that Purpoſe appointed by Us in that Citty or Corporat Towne neereſt unto which the ſaid Tobacco ſhall bee: and ſhall before the *firſt Day of December* nowe next coming, there require and cauſe the ſame to be marked and ſealed by ſuch Perſon and Perſons as Wee ſhall thereunto aſſign or appoint for that Purpoſe, without giving any Fee or Allowance for the ſaide Seale or Marke; and that whatſoever Tobacco ſhall not be ſealed or marked, as aforeſaid, ſhall be confiſcate and forfeited unto Us for ſuch their Defaulte and Contempte, as by the ſaid Proclamation, amongſte other Things therein contayned, may more at lardge appeare. Now Know Ye, that Wee, repoſeing Truſt and Confidence in the Fidelities and Circumſpections of our welbeloved Subjects *Edward Dichfeild*, of London, Salter, *Ruben Bourne*, *Richard Morer*, *George Bromley*, of London, Grocers, *William Perkyns*, of London, Marchant Taylor, and *Edward Bennet*, of London, Marchant; and upon the Recommendations of our ſaid Commiſſioners for *Virginia*, of our eſpecial Grace, certeyne Knowledge, and meere Motion, have nominated, aſſigned, conſtituted, ordayned, appointed and made, and by theiſe Preſents, doe nominate, aſſigne, conſtitute, ordayne, appointe, and make the ſaid *Edward Dichfeild*, *Ruben Bourne*, *Richard Morrer*, *William Perkyns*, *George Bromley*, and *Edward Bennet*, our Officer and Officers for Us, and in our Behalfe, by themſelves, or theire Deputyes, to be nomynated by them under theire Handes and Seales, or under the Handes and Seales of the greater nomber of them, to take Chardge and Care of the Execution of our royall Pleaſure, in our ſaid Proclamation expreſſed and declared within our ſaid Citty of London, and in all other Cittyes, Townes, and places in this our Realme of England, and Domynion of Wales, and in our Realme of Ireland, according to the Purport and true Meaning of our ſaid Proclamation; and alſo to ſearche for and ſeale all ſuch Tobacco as ſhall be ymported, ſoulde, or uttered into any the places aforeſaide, contrary to our expreſſe Commaundement therein ſpecified and declared: And further to ſeale and marke all ſuch Tobacco as already is within our ſaid Kingdomes or Domynions, or heereafter ſhall be brought in by any Perſon or Perſons whatſoever, from the Colonyes or Plantations of *Virginia* and the *Sommer Iſlands*, or either of them, with ſuch Seale or Seales, or Mark or Markes, as Wee ſhall thereunto appoynte, as in our ſaid Proclamation Wee have directed: To have, houlde, exerciſe, and enjoy the ſaid Office and Employment, for the Execution of our Will and Pleaſure of and in the Premiſſes, unto the ſaid *Edward Dichfeild*, *Ruben Bourne*, *Richard Morrer*, *George Bromley*, *William Perkyns*, and *Edward Bennett*, and every of them, by themſelves, and their ſufficient Deputy and Deputyes, for the Tearme of Seaven Yeares now next coming, and from thenceforth untill the Feaſte of the Annunciation of the

Virgyn Marye next enſuing, after the ſaid Seaven Yeares expired. And for the more ſpeedye and certain Execution of our Will and Pleaſure aforeſaide, Wee will and commaunde, and by theis Preſents do give and graunte unto the ſaid *Edward Dichfeild*, *Ruben Bourne*, *Richard Morrer*, *George Bromley*, *William Perkyns*, and *Edward Bennett*, and every of them, full Power and Authoritye, that they and every of them, by themſelves, or theire ſufficient Deputye or Deputyes, to be by them, or the greater nomber of them, thereunto lawfullye deputed or authoriſed under theire Handes and Seales as aforeſaide, ſhall and may at all tymes, and from tyme to tyme, ſoe long as they ſhall contynue in this theire Office and Employmente, be reſident and have a place in our Cuſtome-Houſe of our Citty of London, and in all and every Cittyes, Townes, and Places within theis our Realmes of England and Ireland, and Domynion of Wales, then and there to take Notice of, ſearch for, and ſeize all and all Manner of Tobacco ymported, and to be ymported, ſould, uttered, or uſed, contrary to our commaundement in our ſaid Proclamation expreſſed; and to regiſter, trye, ſeale, and marke all ſuch Tobacco as ſhall be from tyme to tyme ymported into our ſaid Port of London; and to doe all other Things and Matters whatſoever, that may tend to the Advancement of our Service herein, and the due Execution of our Will and pleaſure aforeſaid, according to the true purport and true Meaning of our ſaid Proclamation in that Behalfe publiſhed. And for the better Incouragement of the ſaid *Edward Dichfeild*, *Ruben Bourne*, *Richard Morrer*, *George Bromley*, *William Perkyns*, and *Edward Bennett*, to be dilligent and faithfull in and about the Performance of our ſaid Service heereby committed unto them, Wee doe further, of our more eſpeciall Grace, certayne Knowledge, and meere Motion, by theis Preſents, give and graunte unto the ſaid *Edward Dichfeild*, *Ruben Bourne*, *Richard Morrer*, *George Bromley*, *William Perkyns*, and *Edward Bennett*, for the executing and exerciſing of the Office and Ymployment aforeſaid, the one halfe or Moiety of all ſuch Fynes as ſhall be ympoſed upon all and every Offendor and Offendors for and in Reſpecte of the ymporting, ſelling, venting or uſeing of Tobacco, contrary to the true Tenor, and true Meaning of our Proclamation before recited, and which ſhall be impoſed and aſſeſſed upon the ſaid Offendors in ſuch manner as Wee have therein directed. To have, houlde, receive, perceive, and enjoye the ſaid one halfe, and Moiety of the Fynes aforeſaide to the ſaid *Edward Dichfeild*, *Ruben Bourne*, *Richard Morrer*, *George Bromley*, *William Perkyns*, and *Edward Bennett*, their Executors, Adminiſtrators and Aſſigns, as of our free Gifte, without any Accounte, Recompence, or Allowance to Us, our Heires and Succeſſors, to be therefore rendered, paid, yielded, or done; to be had and paide by the Handes of ſuch Receivor or Receivors, as ſhall be thereunto by Us authoriſed and appointed in that Behalfe; or out of the Receipte of our Exchequer, if the ſame or any part thereof, ſhall be paid into the Receipte of Us, our Heirs or Succeſſors:

And

And for the preſent Wee doe hereby appointe and directe that every Roll of Tobacco ſhall be ſealed with one Seale, engraven with the ſcuchion of our owne Armes of England, Scotland, and Ireland, at the one End of the Roll, and with another Seale engraven with a Lyon crowned on the other End of the Roll; and thoſe Seales to be uſed untill Wee ſhall otherwiſe declare our Pleaſure to the contrary. And our Will and Pleaſure ys, and Wee doe hereby ſtraightly charge and command our Lord Treaſorer of England, Commiſſioners, Chauncellor, Undertreaſurer, Chamberlayns, and Barons, of the Exchequer of Us, our Heires and Succeſſors for the tyme being, that they, and every of them, in theire ſeverall Places, of theire ſeveral Authorityes, doe from tyme to tyme give Allowance of all and every Somme and Sommes of Money ſoe to be paid unto the ſaid *Edward Dichfield*, *Ruben Bourne*, *Richard Morrer*, *George Bromley*, *William Perkyns*, and *Edward Bennett*, theire Executors, Adminiſtrators, or Aſſignes, according to the Effecte and true Meaning of theis Preſents, and to doe all and every ſuch other lawfull Acte and Acts whatſoever, as ſhall be requiſite and neceſſary for the due Performance and Execution of our Pleaſure herein: And theis Preſents, or the Inrollment thereof, ſhall be unto them, and every of them, a ſufficient Warrant and Diſchardge in that Behalfe: And further, our Will and Pleaſure ys, and Wee doe heereby ſtraightlye chardge and command, all and ſinguler, Mayors, Sheriffs, Bayliffs, Conſtables, Headboroughes, Cuſtomers, Comptrollers, Waighters, and all other our Officers and Myniſters whatſoever whome yt may concerne, that they and every of them, in theire ſeverall Offices and Places be ayding and aſſiſting to the ſaid *Edward Dichfeild*, *Ruben Bourne*, *Richard Morer*, *George Bromley*, *William Perkyns*, and *Edward Bennett*, theire Deputyes and Subſtitutes, in the doeing, executing and Accompliſhment of this our Royal Commaund. And whereas, in and by our Proclamation before recited, Wee did give Commaundement, that all the Tobacco, which, uppon any Seizure ſhould become forfeited, ſhould be forthwith burnte, conſumed and deſtroyed, and yet that the Offender ſhould not be diſcharged untill hee ſhall have payde to the Party whoe ſhould ſoe ſeize the ſaid Tobacco, the one Moyetye of the true Value thereof; foraſmuch as in ſome Caſes it may fall out, that Tobacco may be imported, uttered, and ſoulde contrary to our ſaide Pleaſure, and may likewiſe be ſeized to our Uſe, and the Offender not diſcovered; to the Ende, therefore, that due Encouragement may be given to ſearche and fynd out all ſuch Abuſes as ſhall be committed contrary to our Royall Pleaſure in our ſaid Proclamation expreſſed, our Will and Pleaſure ys, and Wee doe hereby will and commaund, that in all and every ſuch Caſe and Caſes where the Offendors ſhall not be diſcovered, or ſhall be unable to pay or give a Recompence for Satisfaction of his Offence anſwerable to the Value of the one Moiety of the Tobacco ſo forfeited and ſeazed as aforeſaide, that then the Tobacco ſo forfeited and ſeized, ſhall not be burnt and conſumed as aforeſaide: But the one

Moiety thereof, which ſhall belonge of Righte to the Party ſoe ſeizing the ſame, ſhall be reteyned and enjoyed by him, thereof to make his juſte Benefitt in Manner following; that is to ſaye, that ſuch as ſhall be Agents for Us for the Tobacco, ſhall ſhall either have the ſame of them, at and for ſuch reaſonable Price as they can agree uppon, or elſe that the Party ſeizing the ſame ſhall have free Libertye to export the ſame into any Parts beyond the Seas, uppon good Security given to our Agents, that the ſame Tobacco ſhall not be retorned, or brought back into any of our owne Kyngdomes and Domynions.

In Witnes, &c.

Witnes our ſelf at *Weſtminſter*, the nynth day of November.

Per Breve de Privato Sigillo.

PROCLAMATIO *de Herba* NICOTIANA.

[Rymer Vol. XVIII. P. 19. A. D. 1625.]

WHEREAS our moſt deare Father, of bleſſed Memorie, deceaſed, for manie weighty and important Reaſons of State, and at the humble Suite of his Commons in Parliament, did lately publiſh two ſeverall Proclamations, the one, dated the *nyne and twentieth Day of September* nowe laſt paſt, and the other the *ſecond of Marche* followinge, for the utter prohibitinge the Ymportation and Uſe of all Tobacco which is not of the proper growth of the Colonyes of *Virginia* and the *Sommer Iſlands*, or one of them, with ſuch Cautions, and under ſuch Paynes and Penalties, as are in thoſe Proclamations at large expreſſed; Wee tendringe the Proſperitie of thoſe Colonyes and Plantations, and houlding it to be a Matter of greate conſequence unto Us and to the Honour of our Crowne, not to deſert or neglect thoſe Collonyes, whereof the Foundations with hopefull Succeſſe have beene ſo happyly layde by our Father, being given to underſtand that divers Perſons, intending onely their private Gayne, and neglecting all Conſiderations of the Publique, in this ſhort Tyme, whilſt Wee have been neceſſarily taken up in orderinge of the greate Affaires of our Kingdomes and State, have taken the Bouldneſſe, ſecretlye and by ſtealth, to ymporte and utter great Quantities of Tobacco, which is not of the growth of the Plantations aforeſaid, to the utter Deſtruction of thoſe Plantations as much as in them lyeth; Wee have thought fit for the preventing of thoſe Inconveniences which may otherwiſe enſue, to the irrecoverable Damage of thoſe Plantations and of our Service, to publiſh and declare our Royall Pleaſure for the preſent, touching the Premiſſes, untill upon more mature Deliberation Wee ſhall ſee Cauſe to alter or add unto the ſame in any Parte: And Wee doe therefore ſtraightly charge and commaund that noe Perſon whatſoever, of what Degree or Quality ſoever, doe at any tyme hereafter, either directly or indirectly ymport, buy, ſell, or utter, plant,

cheriſh

cheriſh, or uſe, or cauſe to be ymported, ſould, or uttered, cheriſhed, planted, or uſed in our Realmes of *England*, or *Ireland*, or Domynion of *Wales*, or in any Iſles or Places thereunto belonging, anie Tobacco of anie Sort whatſoever, which is not of the proper growth of the ſaide Collonies or one of them; and that no Perſon whatſoever, by any Shifte or Deviſe whatſoever, doe receive or conceale, or cullor the Tobacco of anie other ſoe imported, planted, bought, ſold, uttered, or uſed, within our ſaide Realmes or Domynions, or the Iſles or Places aforeſaid, or anie Part thereof, uppon Payne of Forfeiture unto Us of all ſuch Tobacco, ſo to be ymported, bought, ſould, planted, uttered, or uſed, contrarie to the true Meaning of theſe Preſents, in whoſe Handes ſoever the ſame ſhall be founde, and uppon ſuch further Paynes and Penalties, as by the Lawes and Statutes of theſe our Realmes, or by the Cenſure of our Courtes of Starrechamber in either of our ſaid Kingdomes reſpectively, cann or may be inflicted uppon the Offenders for Contempt of this Our Royall Commaundement, and to be reputed and taken to be Enemies to our Proceedings, and to thoſe Plantations which ſoe much concerne our Honor, and the Honor and Profitt of our State. And our further Will and Command is, That all Forrayne Tobacco of what Sortes ſoever, which is not of the proper growth of thoſe Plantations or one of them, ſhall before the *fowerth Daye of May* nowe next enſuing, be tranſported out of our Realmes and Domynions, as by the ſaid former Proclamations it was directed and commaunded, uppon Payne of Forfeiture thereof, and uppon the other Paynes and Penalties aforeſaid, to be inflicted uppon the Offenders: And our Pleaſure is, that all ſuch Foreigne Tobacco may be freely exported by any Perſon whatſoever, without payinge to Us, or to our Uſe, anie Subſidie or other Dutie for the ſame.

Given at our Court at *Whitehall*, this *nynth Day of Aprill.*

PER IPSUM REGEM.

A PROCLAMATION *for Settlinge the Plantation of* Virginia.

[Rymer Vol. XVIII. P. 72. A. D. 1625]

WHEREAS the Collonie of *Virginia*, planted by the Hands of Our moſt deere Father, of bleſſed Memorie, for the Propagation of Chriſtian Religion, the Increaſe of Trade, and the Inlarging of his Royall Empire, hath not hetherto proſpered ſoe happily as was hoped and deſired, a greate Occaſion whereof his late Majeſtie conceived to bee, for that the Governement of that Collonie was comytted to the Companie of *Virginia*, incorporated of a Multitude of Perſons of ſeverall Diſpoſitions, amongſt whome the Affaires of greateſt Moment were and muſt be ruled by the greater Number of Votes and Voyces; and therefore his

late Majeſtie, out of his great Wiſdom and depth of Judgment, did deſire to reſume that Popular Government, and accordingly the Letters-patentes of that Incorporation were, by his Highnes' Direction, in a legal Courſe queſtioned, and thereuppon judicially repealed and judged to be voyd, wherein his Majeſtyes ayme was onlie to reduce that Government into ſuch a right Courſe, as might beſt agree with that Forme which was held in the reſt of his Royall Monarchie, and was not intended by him to take awaie or ympeach the particuler Intereſt of anie private Planter or Adventurer, nor to alter the ſame otherwiſe than ſhould be of Neceſſity for the Good of the Publique: And whereas Wee continue the like Care of thoſe Collonies and Plantations as our late deere Father did, and upon deliberate Adviſe and Conſideration, are of the ſame Judgment that our ſaid Father was of, for the Government of that Collonie of *Virginia;* Nowe, leaſt the Appehrenſion of former perſonal Differences which have heretofore happened (the receivinge and contynuing whereof Wee utterly diſallowe and ſtrictly forbid), might diſtracte the Myndes of the Planters and Adventurers, or the Opynion that Wee would neglect thoſe Plantations, might diſcourage Men to goe or ſend thether, and ſoe hinder the perfectinge of that Worke, wherein Wee hould the Honor of our deere Father deceaſed, and our own Honor to be deepely ingaged; Wee have thought fitt to declare, and by our Royall Proclamation to publiſh our owne Judgment and Reſolution in theſe Things, which by Godes Aſſiſtance, Wee purpoſe conſtantly to purſue, and therefore Wee doe by theſe Preſents publiſh and declare to all our lovinge Subjectes, and to the whole World, that Wee hould thoſe Territories of *Virginia* and the *Summer Iſlandes*, as alſo thae of *New-England*, where our Collonies are alreadie planted, and within the Lymittes and Boundes whereof our late deare Father, by his Letters-patents, under his Great Seale of *England* remayninge of Record, hath given Leave and Libertie to his Subjects, to plant and inhabite, to be a Parte of our Royall Empire diſcended uppon Us, and undoubtedlie belonging and apperteyninge unto Us, and that Wee hould Our Selfe as well bound by our Royall Office to protecte, maynteyne, and ſupport the ſame, and are ſoe reſolved to doe, as anie other Part of our Domynions: And that our full Reſolution is, that there maie be one uniforme Courſe of Government in and through all our whole Monarchie; That the Goverment of the Collonie of *Virginia* ſhall ymmediately depend uppon Our Selfe, and not be commytted to anie Company, or Corporation, to whome itt maie be proper to truſt Matters of Trade and Commerce, but cannot be fitt or ſafe to communicate the ordering of State Affaires be they of never ſoe meane Conſequence; and that therefore, We have determyned that our Commiſſioners for thoſe Affaires ſhall proceede according to the Tenor of Our Commiſſion directed unto them, untill Wee ſhall declare Our further Pleaſure therein: Nevertheles, We doe hereby declare, that We are reſolved, with as much convenyent expedition as our Affaires of greater Importance will give leave, to eſtabliſh a

Councell,

Councell, conſiſtinge of a fewe Perſons of Underſtandinge and Quallitie, to whome Wee will Truſt for the ymmediate Care of the Affaires of that Collonie, and whoe ſhall be anſwerable to Us for their Proceedings, and in Matters of greater Moment ſhall be ſubordinate and attendant unto our Privie Counſell heere; and that We will alſoe eſtabliſh an other Counſell to be reſident in *Virginia*, whoe ſhall be ſubordinate to our Counſell here for that Collonie; and that att our own Charge, Wee will maynteyne thoſe public Officers and Myniſters, and that Strength of Men, Munition, and Fortification, as ſhal be fitt and neceſſarie for the Defence of that Plantation, and will, by anie Courſe that ſhalbe deſired of Us, ſettle and aſſure the perticuler Rights and Intereſts of every Planter and Adventurer in anie of thoſe Territories which ſhall deſire the ſame, to give them full Satisfaction for their quiet and aſſured enjoying thereof. And laſtly, whereas it is agreed on all Sides, that the *Tobacco* of thoſe Plantations of *Virginia* and the *Sommer Iſlandes*, (which is the only preſent Meanes of their ſubſiſtinge,) cannot be mannaged for the good of the Plantations unleſs itt be brought into one Hand, whereby the Forraigne Tobacco may be carefullie kept out, and the Tobacco of thoſe Plantations may yealde a certayne and ready Price to the Owners thereof, Wee doe hereby declare, That to avoyde all Differencies and contrarietie of Opynions, which will hardly be reconciled betweene the Planters and Adventurers themſelves, Wee are reſolved to take the ſame into our own Hands, and by our Servants or Agents for Us, to give ſuch Prices to the Planters and Adventurers for the the ſame as may give them reaſonable Satisfaction and Incouragement, but of the Manner thereof We will determine hereafter at better Leiſure; and when Wee ſhall have concluded the ſame, Wee ſhall expecte that all our loving Subjects will readily conforme themſelves thereunto; and in the meane tyme, becauſe the Importation and Uſe of Forraigne Tobacco, which is not of the Growth of thoſe Plantations, or one of them, will viſably and aſſuredly undermyne and deſtroy thoſe Plantations, by takinge away the Meanes of their Subſiſtencie; Wee doe hereby ſtrictly charge and commaunde, that our late Proclamation, bearinge Date the *Nynth Day of April* laſt, intytled, *A Proclamation touching Tobacco*, ſhall in all Poynts and Parts thereof be duely and ſtrictly obſerved, upon Payne of our high Diſpleaſure, and ſuch ſurther Penaltyes and Puniſhments as by the ſaide Proclamation are to be inflicted uppon the Offendors; and We doe hereby adviſe all our lovinge Subjects, and all others whome itt may concerne, not to adventure the Breach of our Royall Commaundment in any of the Premiſſes, We being fully reſolved uppon no Importunitie or Intermiſſion whatſoever to releaſe or remitt the deſerved Puniſhment of ſuch as ſhall dare to offende againſt the ſame, ſeinge We hould not Our Selfe only, but our People intereſſed therein.

Given att our Court att *Whitehall*, the *Thirteenth Day of May*.

PER IPSUM REGEM.

GRANT

GRANT *of* NOVA SCOTIA *to Sir* WILLIAM ALEXANDER.

[Memoires de L'Amerique, Tom. II. Page 226.]

CAROLUS, Dei Gratiâ, Magnæ Britanniæ, Franciæ et Hiberniæ Rex, Fideique Defenſor: Omnibus probis hominibus totius terræ ſuæ, clericis et laïcis, SALUTEM. Sciatis nos ſemper ad quamlibet, quæ ad decus et emolumentum regni noſtri Scotiæ ſpectaret, occaſionem amplectendam fuiſſe intentos, nullamque aut faciliorem, aut magis innoxiam acquiſitionem cenſere, quam quæ in exteris et incultis regnis ubi vitæ et victui ſuppetunt commoda, novis deducendis coloniis facta ſit; præſertim, SI VEL ipſa REGNA CULTORIBUS PRIUS VACUA, VEL AB INFIDELIBUS quos ad chriſtianam converti fidem ad Dei gloriam intereſt plurimùm, INSESSA FUERINT; ſed cum et alia nonnulla regna, et hæc non ita pridem noſtra Anglia, laubiliter ſua nomina novis terris acquiſitis et à ſe ſubactis indiderint, quàm numeroſa et frequens divino beneficio hæc gens hâc tempeſtate ſit nobiſcum reputantes, quàmque honeſto aliquo et utili cultu eam ſtudioſè exerceri, ne in deteriora ex ignaviâ et otio prolabatur, expediat, pleroſque in novam deducendos regionem, quàm coloniis compleant, operæ pretium duximus, qui et animi promptitudine et alacritate corporumque robore et viribus, quibuſcunque difficultatibus, ſi qui alii mortalium uſpiam, ſe audeant opponere; hunc conatum huic regno maximè idoneum indè arbitramur, quòd virorum tantummodò et mulierum, jumentorum et frumenti, non etiam pecuniæ tranſvectionem poſtulat; neque incommodum, quòd ex ipſius regni mercibus retributionem hoc tempore, cùm negotiatio adeo imminuta ſit, poſſit reponere. Hiſce de cauſis, ſicuti et propter bonum fidele et gratum dilecti noſtri conſiliarii domini Willielmi Alexandri Equitis, ſervitium nobis præſtitum et præſtandum, qui propriis impenſis ex noſtratibus primus externam hanc coloniam ducendam conatus ſit, diverſaſque terras infrà deſignatis limitibus circumſcriptas incolendas expetiverit, Nos igitur, ex regali noſtrâ ad chriſtanam religionem propagandam, et ad opulentiam, proſperitatem pacemque naturalium noſtrorum ſubditorum dicti regni noſtri Scotiæ acquirendam curâ ſicuti alii Principes extranei in talibus caſibus hactenus fecerunt, cùm aviſamento et conſenſu prædilecti noſtri conſanguinei et conſiliarii Joannis Comitis de Mar domini Erſkine et Eareoch, ſummi noſtri Theſaurarii computorum, Rotulatoris Collectoris ac Theſaurarii novarum noſtrarum augmentationum hujus regni noſtri Scotæ, ac reliquorum dominorum noſtrorum Commiſſariorum ejuſdem regni noſtri dedimus, conceſſimus et diſpoſuimus, tenoreque præſentis chartæ noſtræ damus, concedimus, et diſponimus, præfato domino Willielmo Alexandro hæredibus ſuis vel aſſignatis quibuſcunque hæreditariè omnes et ſingulas terras continentes

tes et insulas, situatas et jacentes in Americâ, juxtà caput seu promontorium communiter *Cap de Sable* appellatum, jacens propè latitudinem quadraginta trium graduum, aut eò circa ab equinoctiali lineâ versùs septentrionem, à quo promontorio versus littus maris tendens ad occidentem ad stationem navium Sanctæ Mariæ, vulgò *Sainct Mary's Bay*, et deinceps versùs septentrionem per directam lineam introitum, sive ostium magnæ illius stationis navium trajicientem, quæ excurrit in terræ orientalem plagam inter regiones Suriquorum et Etcheminorum vulgò *Souriquois* et *Etchemins*, ad fluvium vulgò Sanctæ Crucis appellatum, et ad scaturiginem remotissimam sive fontem ex occidentali parte ejusdem, qui se primum prædicto fluvio immiscet; unde per imaginariam directam lineam quæ pergere per terram seu currere versùs septentrionem concipietur ad proximam navium stationem, in fluvium vel scaturiginem in magno fluvio de *Canada* sese exonerantem, et ab eo pergendo versús orientem per maris oras littorales ejusdem fluvii de *Canada*, ad fluvium stationem navium portum aut littus communiter de *Gachepe* vel *Gaspé* notum et appellatum; et deinceps versùs Euronotum ad insulas *Baccalaos* vel *Cap-Breton* vocatas, relinquendo easdem insulas à dextra, et voraginem dicti fluvii de *Canada*, sive magnæ stationis navium, et terras de Newfoundland cum insulis ad easdem terras pertinentibus à siniştrâ, et deinceps ad Caput sive Promontorium de *Cap-Breton* prædictum, jacens propè latitudinem quadraginta quinque graduum aut eò circa; et à dicto promontorio de *Cap-Breton* versùs meridiem et occidentem ad prædictum *Cap de Sable* ubi incepit perambulatio includens et comprehendens intrà prædictas maris oras littorales ac earum circumferentias à mari ad mare, omnes terras continentes cum fluminibus, torrentibus, sinubus, littoribus, insulis, aut maribus jacentibus propè aut infrà, sex leucas ad aliquam earumdem partem, ex occidentali, boreali vel orientali partibus orarum littoralium et præcinctuum earumdem, et ab Euronoto ubi jacet *Cap-Breton*, ex australi parte ejusdem (ubi est *Cap de Sable)* omnia maria et insulas versùs meridiem intra quadraginta leucas dictarum orarum littoralium earumdem magnam insulam vulgariter appellatam *Isle de Sable* vel *Sablon* includendo, jacentem versùs Carban, vulgo south south east, circa triginta leucas à dicto *Cap-Breton* in mari, et existentem in latitudine quadraginta quatuor graduum aut eò circa. Quæ quidem terræ prædictæ omni tempore affuturo, nomine Novæ Scotiæ in America gaudebunt, quas etiam præfatus dominus Willielmus in partes et portiones sicut ei visum fuerit dividet, iisdemque nomina pro beneplacitò imponet, unà cum omnibus fodinis tàm regalibus auri et argenti, quàm aliis fodinis ferri, plumbi, cupri, stanni, æris, ac aliis mineralibus quibuscunque, cum potestate effodiendi et de terra effodere causandi, purificandi, et repurgandi easdem, ac convertendi ac utendi suo proprio usui aut aliis usibus quibuscunque, sicuti dicto domino Willielmino Alexandro hæredibus suis, et assignatis, aut iis quos suo loco in dictis terris stabilire ipsum contigerit, visum fuerit, reservando solummodò nobis et successoribus nostris decimam par-

tem metalli vulgò *Oare*, auri et argenti quòd ex terrâ in poſterùm effodietur aut lucrabitur, relinquendo dicto domino Willielmo ſuiſque prædictis, quodcunque ex aliis metallis cupri, chalybis, ferri, ſtanni, plumbi, aut aliorum mineralium nos vel ſucceſſores noſtri quovis modo exigere poſſumus, ut eo facilius magnos ſumptus in extrahendis præfatis metallis tolerare poſſint, unà cum margaritis vulgo *pearle*, et lapidibus pretioſis, quibuſcunque aliis lapidicinis, ſylvis, virgultis, boſcis, mareſcis, lacubus, aquis, piſcationibus, tàm in aquâ ſalſâ quàm recenti, tàm regalium piſcium quam aliorum venatione, aucupatione, commoditatibus et hæreditamentis quibuſcunque, unâ cum plenariâ poteſtate privilegio et juriſdictione liberæ regalitatis, Capellæ et Cancellariæ, in perpetuum; cumque donatione et jure Patronatûs Eccleſiarum Capellaniarum, et Beneficiorum, cum tenentibus, tenandriis et liberè tenentium ſervitiis earumdem, unà cum officiis Juſticiariæ et admiralitatis reſpectivè infrà omnes bondas reſpectivè ſupramentionatas; unâ etiam cum poteſtate civitates, liberos burgos, liberos portus, villas et burgos Baroniæ, erigendi, ac fora et nundinas infrà bondas dictarum terrarum conſtituendi, curias juſticiariæ et admiralitatis infrà limites dictarum terrarum, fluviorum, portuum et marium tenendi, unà etiam cum poteſtate imponendi, levandi et recipiendi omnia telonia, cuſtumas, anchoragia, aliiaſque dictorum burgorum fororum, nundinarum et liberorum portuum devorias, et eaſdem poſſidendi et gaudendi adeò liberè in omnibus reſpectibus, ſicuti quivis Baro major aut minor in hoc regno noſtro Scotiæ gaviſus eſt aut gaudere poterit quovis tempore præterito vel futuro, cum omnibus aliis prærogativis, privilegiis, immunitatibus, dignitatibus, caſualitatibus, proficuis et devoriis ad dictas terras, maria et bondas earumdem pertinentibus et ſpectantibus, et quæ nos ipſi dare et concedere poſſumus adeò liberâ et amplâ formâ, ſicuti nos, aut aliquis noſtrorum nobilium Progenitorum, aliquas chartas, patentes literas, infeofamenta, donationes aut diplomata conceſſerunt cuivis noſtro ſubdito, cujuſcunque gradus aut qualitatis, cuivis ſocietati aut communitati tales colonias in quaſcunque partes extraneas deducenti, aut terras extraneas inveſtiganti, in adeò liberâ et amplâ formâ, ſicuti eadem in hac præſenti charta noſtra inſereretur. Facimus etiam, conſtituimus et ordinamus dictum dominum Willielmum Alexandrum, hæredes ſuos, et aſſignatos, vel eorum deputatos, noſtros hæreditarios Locum-tenentes generales, ad repreſentandum noſtram perſonam Regalem, tàm per mare quam per terram, in regionibus, maris oris et finibus prædictis, in petendo dictas terras, quamdiu illic manſerit, ac redeundo ab eiſdem, ad gubernandum regendum puniendum et remittendum omnes noſtros ſubditos, quos ad dictas terras ire aut eaſdem inhabitare contigerit, aut qui negotiationem cum eiſdem ſuſcipient, vel iiſdem locis remanebunt, ac eiſdem ignoſcendum; et ad ſtabiliendum tales leges, ſtatuta, conſtitutiones, directiones, inſtructiones, formas gubernandi, et Magiſtratuum ceremonias infrá dictas bondas, ſicuti ipſi domino Willielmo Alexandro, aut ejus prædictis ad gubernationem dictæ regionis aut ejuſdem incolarum, in omnibus cauſis tam criminalibus

criminalibus quam civilibus viſum fuerit; et eaſdem leges, regimina, formas et ceremonias alterandum et mutandum, quoties ſibi vel ſuis prædictis pro bono et commodo dictæ regionis placuerit, ità ut dictæ leges tam legibus dicti regni noſtri Scotiæ, quam fieri poſſunt, ſint concordes. Volumus etiam ut in caſu rebellionis aut ſeditionis, legibus utatur militaribus adverſùs delinquentes, vel imperio ipſius ſeſe ſubſtrahentes, adeo liberè, ſicuti aliquis Locum-tenens cujuſvis regni noſtri vel dominii, virtute officii Locum-tenentis habent vel habere poſſunt, excludendo omnes alios Officiarios hujus regni noſtri Scotiæ, terreſtres vel maritimos qui in poſterum aliquid juris *Clame*, commoditatis, authoritatis, aut intereſſe in et ad dictas terras aut provinciam prædictam vel aliquam inibi juriſdictionem, virtute alicujus præcedentis diſpoſitionis aut diplomatis pretendere poſſint; et ut viris honeſto loco natis ad expeditionem iſtam ſubeundam, et ad coloniæ plantationem in dictis terris, addaturanimus, Nos pro nobis noſtriſque hæredibus et ſucceſſoribus, cum aviſamento et conſenſu prædictis, virtute preſentis chartæ noſtræ damus et concedimus liberam et plenariam poteſtatem præfato domino Willielmo Alexandro ſuiſque prædictis, conferendi favores, privilegia, munera, et honores in demerentes, cum plenariâ poteſtate eiſdem aut eorum alicui quos cum ipſo domino Willielmo, ſuiſque prædictis, pactiones vel contractus facere pro eiſdem terris contigarit ſub ſubſcriptione ſuâ vel ſuorum prædictorum, et ſigillo infrà mentionato, aliquam portionem ſeu portiones dictarum terrarum, portuum, navium, ſtationum fluviorum, aut præmiſſorum alicujus partis, diſponendi, et extradonandi, erigendi etiam omnium generum machinas, artes vel ſcientias, aut eaſdem coercendi in toto vel in parte, ſicuti ei pro bono ipſorum viſum fuerit, dandi etiam concedendi et attribuendi talia officia, titulos, jura, et poteſtates, conſtituendi et deſignandi tales Capitaneos, Officiarios, Balivos, Gubernatores, omneſque alios regalitatis, baroniæ et burgi Officiarios, Clericos, alioſque Miniſtros pro adminiſtratione juſticiæ infrà bondas dictarum terrarum, aut in viâ dùm terras iſtas petunt per mare et ab eiſdem redeunt, ſicuti ei neceſſarium videbitur ſecundùm qualitates, conditiones, et perſonarum merita, quas in aliquâ coloniarum dictæ provinciæ, aut aliquâ ejuſdem parte habitare contigerit, aut quæ ipſorum bona et fortunas pro commodo et incremento ejuſdem periculo committent, et eoſdem ab officio removendi, alterandi et mutandi, prout ei ſuiſque præſcriptis videbitur expediens, et cum hujuſmodi conatus non ſine magno labore et ſumptibus fiant, magnamque pecuniæ largitionem requirant, adeò ut privati cujuſvis fortunas excedant et multorum ſuppetiis indigeant, ob quam cauſam dictus dominus Willielmus Alexander, ſuique præſcripti, cum diverſis noſtris ſubditis aliiſque pro particularibus periclitationibus, et ſuſceptionibus ibidem, qui fortè cum eo ſuiſque hæredibus aſſignatis vel deputatis pro terris, piſcationibus, mercimoniis aut populi tranſportatione, cum ipſorum pecoribus, rebus et bonis verſus dictam Novam Scotiam contractus inibunt, Volumus ut quicunque tales contractus cum dicto Willielmo, ſuiſque prædictis, ſub ipſorum ſubſcriptioni-

bus et ſigillis expedient, limitando, aſſignando et affigendo diem et locum pro perſonarum, bonorum rerumque deliberatione in navium imponendorum, ſub forisfacturâ cujuſdam monetæ ſummæ et eoſdem contractus non perficient, ſed ipſum fruſtrabunt, et in itinere deſignato ei nocebunt, quòd non ſolùm dicto domino Willielmo, ſuiſque prædictis, poterit eſſe præjudicio et nocumento, verùm etiam noſtræ tam laudabili intentioni obſtabit et detrimentum inferet, tunc licitum erit dicto domino Willielmo, ſuiſque prædictis, vel eorum deputatis et conſervatoribus infrà mentionatis, in eo caſu, ſibi ſuiſve prædictis, quos ad hunc effectum ſubſtituet, omnes tales ſummas monetæ, bona et res forisfactas per talium contractuum violationem, aſſumere; quòd ut faciliùs fiat et legum prolixitas evitetur, dedimus et conceſſimus, tenoreque præſentium damus et concedimus, plenariam poteſtatem noſtri Conſilii dominis, ut eos in ordinem redigant et talium contractuum vel fœderum violatores pro tranſportatione populorum puniant; et licet omnes tales contractus inter dictum dominum Willielmum, ſuoſque prædictos, et prædictos periclitatores per periclitationem et tranſportationem populorum, cum ipſorum bonis et rebus ad ſtatutum diem perficientur, et ipſi cum ſuis omnibus pecoribus et bonis ad littus illius provinciæ animo coloniam ducendi et remanendi appellent, et nihilominùs poſteà vel omninò provinciam Novæ Scotiæ et ejuſdem confinia ſine licentiâ dicti domini Willielmi, ſuorumque prædictorum vel eorum deputatorum aut ſocietatem et coloniam prædictam ubi primum combinati et conjuncti fuerunt derelinquent, et ad agreſtes Indigenas in locis remotis et deſertis habitandum ſeſe conferent, quòd tunc amittent et forisfacient omnes terras priùs iis conceſſas, omnia etiam bona infrà omnes prædictas bondas, licitumque erit prædicto domino Willielmo, ſuiſque prædictis, eadem fiſcò applicare, et eaſdem terras recognoſcere, eademque omnia ad ipſos vel eorum aliquem quovis modo ſpectantia poſſidere, et ſuo peculiari uſui ſuorumque prædictorum applicare et convertere; et ut omnes dilecti noſtri ſubditi, tam regnorum noſtrorum et dominiorum, quàm alii extranei, quos ad dictas terras aut aliquam earumdem partem ad mercimonia contrahenda navigare contigerit, melius ſciant, et obedientes ſint poteſtati et authoritati per nos in prædictum fidelem noſtrum Conſiliarium dominum Willielmum Alexandrum ſuoſque prædictos collatis in omnibus commiſſionibus warrantiis, contractibus, quos quovis tempore futuro faciet, concedet et conſtituet pro decentiori et validiori conſtitutione officiariorum, pro gubernatione dictæ coloniæ, conceſſione terrarum et executione juſtitiæ dictos inhabitantes, periclitantes, deputatos, factores vel aſſignatos tangente, in aliquâ dictarum terrarum parte, vel in navigatione ad eaſdem terras, Nos cum aviſamento et conſenſu prædicto, ordinamus quòd dictus dominus Wilielmus Alexander, ſuique prædicti unum communè ſigillum habebunt, ad officium Locum-tenentis juſticiariæ et admiralitatis ſpectans, quòd per dictum dominum Willielmum Alexandrum ſuoſque prædictos, vel per ſuos deputatos omni tempore futuro cuſtodietur, in cujus uno latere noſtra inſignia inſculpentur, cum his verbis

bis in ejuſdem circulo & margine: *Sigillum Regis Scotiæ, Angliæ, Franciæ et Hiberniæ*, et in altero latere, imago noſtra noſtrorumque ſucceſſorum cum his verbis (*pro Novæ Scotiæ Locum-tenente*) cujus juſtum exemplar in manibus ac cuſtodiâ Conſervatoris privilegiorum Novæ Scotiæ remanebit quo, ut occaſio requiret, in officio ſuo utatur et cum maximè neceſſarium ſit ut omnes dilecti noſtri ſubditi, quotquot dictam provinciam Novæ Scotiæ vel ejus confinia incolent, in timore omnipotentis Dei, et vero ejus cultu ſimul vivant, omni conamine intendentes chriſtianam ibi religionem ſtabilire, pacem etiam et quietem cum nativis incolis et agreſtibus Aboriginibus earum terrarum colere, undè ipſi et eorum quilibet mercimonia ibi exercentes tutè cum oblectamento, ea quæ magno cum labore et periculo acquiſiverunt poſſidere poſſint, Nos pro nobis noſtriſque ſucceſſoribus volumus, nobiſque viſum eſt per præſentis chartæ noſtræ tenorem dare et concedere dicto domino Willielmo, Alexandro, ſuiſque prædictis et eorum deputatis vel aliquibus aliis noſtris Gubernatoribus, Officiariis et Miniſtris, quos ipſi conſtituent, liberam et abſolutam poteſtatem tractandi pacem, affinitatem, amicitiam, mutua colloquia, operam, et commutationem cum agreſtibus illis Aboriginibus, et eorum principibus et quibuſcunque aliis regimen et pote ſtatem in ipſos habentibus contrahendi, obſervandi et alendi tales affinitates et colloquia, quæ ipſi vel ſui prædicti cum iis contrahent, modo fœdera illa ex adverſâ parte per ipſos Sylveſtres fideliter obſerventur; quòd niſi fiat, arma contra ipſos ſumendi quibus redigi poſſint in ordinem, ſicuti dicto Willielmo ſuiſque prædictis et deputatis ſuis pro honore, obedientiâ et Dei ſervitio, ac ſtabilimento, defenſione et conſervatione authoritatis noſtræ inter ipſos expediens videbitur, cum poteſtate etiam prædicto domino Willielmo Alexandro, ſuiſque præſcriptis, per ipſos vel eorum deputatos, ſubſtitutos vel aſſignatos, pro eorum defenſione, tutelâ, omni tempore et omnibus juſtis occaſionibus in poſterùm aggrediendi ex inopinato, invadendi, expellendi et armis repellendi, tam per mare quàm per terram, omnibus modis, omnes et ſingulos, qui ſine ſpeciali licentiâ dicti domini Willielmi ſuorumque prædictorum terras eas inhabitare aut mercaturam exercere in dictâ provinciâ Novæ Scotiæ aut quâvis ejuſdem parte conabuntur, et ſimiliter omnes alios quoſcunque qui aliquid damni, detrimenti, deſtructionis, læſionis vel invaſionis contra provinciam illam aut ejuſdem incolas inferre præſument. Quòd ut faciliùs fiat, licitum erit dicto domino Willielmo ſuiſque prædictis eorum deputatis, factoribus et aſſignatis, contributiones à periclitantibus et incolis ejuſdem levare, in unum cogere, per proclamationes vel quovis alio ordine talibus temporibus, ſicuti dicto Willielmo ſuiſque prædictis expediens videbitur, omnes noſtros ſubditos infrà dictos limites dictæ provinciæ Novæ Scotiæ inhabitantes, et mercimonia ibidem exercentes convocare pro meliore exercitio, neceſſariorum ſupplemento, et populi plantationis dictarum terrarum augmentatione et incremento, cum plenariâ poteſtate, privilegio et libertate dicto domino Willielmo Alexandro ſuiſque prædictis, per ipſos vel eorum deputatos, per quævis maria ſub noſtris inſignibus et

vexillis

vexillis navigandi, cum tot navibus, tanti oneris, et tam benè munitione viris et victualibus inſtructis, ſicuti poterunt parare quovis tempore et quoties eis videbitur, expediens; ac omnes cujuſcunque qualitatis et gradûs perſonas, ſubditos noſtros exiſtentes aut qui imperio noſtro ſeſe ſubdere ad iter illud ſuſcipiendum voluerint, cum ipſorum jumentis, equis, bobus, ovibus, bonis et rebus omnibus, munitionibus, machinis, majoribus armis et inſtrumentis militaribus quotquot voluerint, aliiſque commoditatibus et rebus neceſſariis pro uſu ejuſdem coloniæ, mutuo commercio cum nativis inhabitantibus earum provinciarum, aut aliis qui cum ipſis plantationibus mercimonia contrahant, tranſportandi, et omnes commoditates et mercimonia, quæ iis videbuntur neceſſaria, in regnum noſtrum Scotiæ, ſine alicujus taxationis, cuſtumæ, et impoſitionis pro eiſdem ſolutione nobis vel noſtris cnſtumariis aut eorum deputatis inde portandi, eoſdem ab eorum officiis in hâc parte pro ſpatio ſeptem annorum diem datæ præſentis chartæ noſtræ immediatè ſequentium inhibendo. Quam quidem ſolam commoditatem per ſpatium tredecim annorum in poſterùm liberè conceſſimus, tenoreque præſentis chartæ noſtræ concedimus et diſponimus dicto domino Willielmo, ſuiſque prædictis, ſecundùm proportionem poſteà mentionatam; et poſt tredecim illos annos finitos licitum erit nobis noſtriſque ſucceſſoribus, ex omnibus bonis et mercimoniis quæ ex hoc regno noſtro Scotiæ ad eamdem provinciam Novæ Scotiæ vel ex eâ provincià ad dictum regnum noſtrum Scotiæ exportabuntur vel importabuntur in quibuſvis hujus regni noſtri portibus per dictum dominum Willielmum ſuoſque prædictos, tantùm quinque libras pro centum ſecundùm antiquum negociandi modum, ſine ullà aliâ impoſitione, taxatione, cuſtumâ vel devoriâ ab ipſis in perpetuum levare et exigere; quæ quidem ſumma quinque librarum pro centum, cùm ſit ſoluta per dictum dominum Willielmum ſuoſque prædictos, noſtris Officiariis ad hunc effectum conſtitutis; exindè licitum erit dicto domino Willielmo ſuiſque prædictis, eadem bona de hoc regno noſtro Scotiæ, in quaſvis alias partes et regiones extraneas, ſine alicujus alterius cuſtumæ, taxationis vel devoriæ ſolutione nobis vel noſtris hæredibus aut ſucceſſoribus aut aliquibus aliis, tranſportare et avehere, proviſo tamen quòd dicta bona infrà ſpatium tredecim menſium poſt ipſarum, in quovis hujus regni noſtri portu appulſionem navi rurſùs imponantur: dando et concedendo abſolutam et plenariam poteſtatem dicto domino Willielmo ſuiſque prædictis, ab omnibus noſtris ſubditis qui colonias deducere, mercimonia exercere, aut ad eaſdem terras Novæ Scotiæ, ab eiſdem navigare voluerint, præter dictam ſummam nobis debitam, pro bonis et mercimoniis quinque libras de centum vel ratione exportationis ex hoc regno noſtro Scotiæ, ad dictam provinciam Novæ Scotiæ vel importationis à dictâ provincià ad hoc regnum noſtrum Scotiæ predictæ, in ipſius ejuſque prædictorum proprios uſus ſumendi, levandi et recipiendi, et ſimiliter de omnibus bonis et mercimoniis, quæ per noſtros ſubducos coloniarum ductores, negotiatores et navigatores de dictâ provincià Novæ Scotiæ, ad quævis noſtra dominia aut alia quævis

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loca exportabuntur, vel à noſtris regnis et aliis locis ad dictam Novam Scotiam importabuntur, ultrà et ſuprà dictam ſummam nobis deſtinatam quinque libras de centum et de bonis et mercimoniis omnium extraneorum aliorumque ſub noſtrâ obedientiâ minimè exiſtentium, quæ vel de dictâ provincia Novæ Scotiæ exportabuntur, vel ad eamdem importabuntur, ultrà et ſuprà dictam ſummam nobis deſtinatam, decem libras de centum dicti domini Willielmi ſuorumque prædictorum propriis uſibus per tales Miniſtros, Officiarios vel Subſtitutos eorumve deputatos aut factores, quos ipſi ad hunc effectum conſtituent et deſignabunt, levandi, ſumendi et recipiendi, et pro meliori dicti domini Willielmi ſuorumque prædictorum aliorumque omnium dictorum noſtrorum ſubditorum, qui dictam Novam Scotiam inhabitare, vel ibidem mercimonia exercere voluerint, ſecuritate et commoditate, et generaliter omnium aliorum qui noſtræ authoritati et poteſtati ſeſe ſubdere non gravabuntur, nobis viſum eſt, volumuſque quòd licitum erit dicto domino Willielmo ſuiſque prædictis, unum vel plura munimina, propugnacula, caſtella, loca fortia, ſpeculas armamentaria, *the blockhouſes*, aliaque edificia, cum portubus et navium ſtationibus ædificare, vel ædificari cauſare, unà cum navibus bellicis, eaſdemque pro deffenſione dictorum locorum applicare, ſicuti dicto domino Willielmo ſuiſque prædictis, pro dicto conamine perficiendo neceſſarium videbitur, proque ipſorum deffenſione militum catervas ibidem ſtabilire, præter prædicta ſuprà mentionata, et generaliter omnia facere quæ pro conqueſtu, augmentatione populi, inhabitatione, preſervatione et gubernatione dictæ Novæ Scotiæ, ejuſdemque trrarum et territorii infrà omnes hujuſmodi limites pertinentias et dependentias ſub noſtro nomine et authoritate, quodcunque, nos ſi perſonaliter eſſemus præſentes facere poterimus, licet caſus ſpecialem et ſtrictum magis ordinem, quàm in hâc præſenti noſtrâ chartâ præſcribitur, requirat ; cui mandato volumus & ordinamus, ſtrictiſſimèque præcipimus omnibus noſtris Juſticiariis, Officiariis et ſubditis ad loca illa ſeſe conferentibus ut ſeſe applicent, dictoque domino Willielmo ſuiſque predictis, in omnibus et ſingulis ſupramentionatis, earum ſubſtantiis et dependentiis intendant et obediant, eiſque in earum executione in omnibus adeò ſint obedientes, ut nobis cujus Perſonam repræſentat, eſſe deberet, ſub pœnâ diſobedientiæ et rebellionis. Declaramus in ſuper per præſentis chartæ noſtræ tenorem omnibus chriſtianis Regibus Principibus et Statibus, quòd ſi aliquis vel aliqui, qui in poſterùm de dictis coloniis vel de earum aliquâ ſit in provinciâ Novæ Scotiæ prædictæ, vel aliqui alii ſub eorum licentiâ et mendato quovis tempore futuro piraticam exercentes per mare vel per terram, bona alicujus abſtulerint, vel aliquod injuſtum aut indebitum hoſtiliter commiſerint contrà aliquos noſtros noſtrorumve hæredum at ſucceſſorum, ſeu aliorum Regum, Principum, Gubernatorum aut Statuum in fœdere nobiſcum exiſtentium ſubditos, quòd talia bona injuriâ ſic ablata, aut juſtâ querela deſuper motâ per aliquem Regem, Principem, Gubernatorem Statum vel eorum ſubditos predictos, nos noſtri hæredes et ſucceſſores publicas

proclamationes fieri curabimus in aliquâ parte dicti regni noſtri Scotiæ ad hunc effectum magis commodâ, ut dictus pirata vel piratæ, qui tales rapinas committent ſtato tempore per prefatas proclamationes limitando, plenariâ reſtituent quæcunque bona ſic ablata, et pro dictis injuriis omnimodo ſatisfacient, ità ut dicti Principes, aliique ſic conquerentes ſatisfactos ſe eſſe reputent, et quòd ſi talium facinorum commiſſores neque ſatisfactionem condignam facient, nec fieri infrà tempus limitandum curabunt, quòd tunc is vel alii qui tales rapinas commiſerint, neque ſunt, neque in pòſterùm ſub noſtrâ obedientiâ et protecti one, erunt; quòdque licitum et legitimum erit omnibus Principibus, aliiſque quibuſcunque tales delinquentes eorumve quemlibet omni cum hoſtilitate proſequi et invadere; et licet neminem nobilem et generoſum de patriâ hac ſine licentiâ noſtrâ decedere ſtatutum ſit, nihilominùs volumus quòd hoc præſens noſtrum diploma ſufficiens erit licentia et warrantum omnibus qui ſe huic itineri comm ttent niſi læſæ majeſtatis ſint rei aut alio aliquo ſpeciali mandato ſint inhibiti, atque per præſentis chartæ tenorem declaramus, volumuſque, quòd nemo patriâ hâc decedere permittatur et ad dictam regionem Novæ Scotiæ tendere, niſi ii qui juramentum ſupremitatis noſtræ primum ſuſceperint; ad quem effectum Nos tenore chartæ noſtræ præſentis dicto domino Willielmo, ſuiſque prædictis vel eorum Conſervatoribus, vel deputatis idem hoc juramentum omnibus perſonis verſùs illas terras in eâ coloniâ ſeſe conferentibus requirere et exigere plenariam poteſtatem et autoritatem damus et concedimus; præterea nos cum aviſamento et conſenſu prædicto pro nobis et ſucceſſoribus noſtris declaramus, decernimus et ordinamus, quòd omnes noſtri ſubditi, qui ad dictam Novam Scotiam proficiſcentur aut eam incolent, eorumque omnes liberi et poſteritas quos ibi naſci contigerit, aliique omnes ibidem periclitantes, habebunt et poſſidebunt omnes libertates, immunitates et privilegia liberorum et naturalium ſubditorum Regni noſtri Scotiæ, aut aliorum noſtrorum dominiorum, ſicuti ibidem nati fuiſſent. Inſuper nos pro nobis et ſucceſſoribos noſtris, damus et concedimus dicto domino Willielmo, ſuiſque prædictis, liberam poteſtatem ſtabiliendi et cudere cauſandi monetam pro commercio liberiori inhabitantium dictæ provinciæ, cujuſvis metalli, quo modo et quâ formâ voluerint et eaſdem præſcribent; atque etiam ſi quæ quæſtiones aut dubia ſuper interpretatione et conſtructione alicujus clauſulæ in hâc præſenti chartâ noſtrâ contentæ occurrent, ea omnia ſumentur et interpretabuntur in ampliſſimâ formâ et in favorem dicti domini Willielmi, ſuorumque predictorum. Præterea nos ex noſtrâ certâ ſcientiâ, proprio motu, autoritate et poteſtate regali, fecimus, univimus, annexavimus, ereximus, creavimus et incorporavimus, tenoreque præſentis chartæ noſtræ facimus, unimus, annexamus, erigimus, creamus et incorporamus totam et integram dictam provinciam et terras Novæ Scotiæ, cum omnibus earumdem limitibus et marcis, in unum integrum et liberum dominium et Baroniam per prædictum nomen Novæ Scotiæ omni tempore futuro appellandum; volumuſque et concedimus, ac

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pro nobis noſtriſque ſucceſſoribus decernimus et ordinamus quòd unica ſeiſina nunc per dictum dominum Willielmum ſuoſque prædictos, et omni tempore futuro modo ſubſequenti ſumenda, ſtabit et ſufficiens erit ſeiſina pro totâ dictâ regione cum omnibus partibus, pendiculis, privilegiis, caſualitatibus et immunitatibus ejuſdem ſuprà mentionatis, abſque aliâ aliquâ ſpeciali aut particulari ſeiſinâ per ipſum, ſuoſque rædictos, apud aliquam aliam partem capiendâ; pen èsuam ſeiſinam omniaque quæ indè ecuta ſunt aut ſequi poſſunt, nos cum aviſamento præſcripto pro nobis et ſucceſſoribus noſtris diſpenſavimus, tenoreque præſentis chartæ noſtræ modo ſubtùs mentionato diſpenſamus, in perpetuum tenendi et habendi totam et integram dictam regionem et dominium Novæ Scotiæ, cum omnibus ejuſdem limitibus infrà prædicta maria cunctiſque aliis privilegiis, libertatibus immunitatibus, caſualitatibus, aliiſque ſuprà expreſſus, præfato domino Willielmo Alexandro, hæredibus ſuis et aſſignatis, de nobis et noſtris ſucceſſoribus in feodo, hæreditate, libero dominio, liberâ baroniâ et regalitate in perpetuum modo ſuprà mentionato per omnes rectas metas et limites ſuos, prout jacent in longitudine et latitudine in domibus, ædificiis ædificatis et ædificandis, hortis, planis boſcis, mareſcis, viis, ſemitis, aquis, ſtagnis, rivulis, pratis paſcuis, et paſturis, molendinis, multuris et eorum ſequelis, aucupationibus, venationibus, piſcationibus, petadiis, turbariis, carbonibus, carbonariis, cuniculis, cuniculariis, columbis, columbariis, fabrilibus, braſinis, brueriis et geneſtis, ſylvis, nemoribus at virgultis, lignis, lapidicinis, lapide et calce, cum curiis et earum exitibus, hægeldis, Amerciamentis, bludvillis, et mulierum merchetis, cum communi paſturâ liberoque introitu et exitu, cum furcâ, foſſâ, *ſok*, *ſak*, *thole*, *thanc*, *infangthief*, *out fangthief*, *out wrark*, *wavi*, *weck*, *venyſone*, *pit et gallous*; ac cum omnibus aliis et ſingulis libertatibus, commoditatibus, proficuis, aviſamentis ac juſtis ſuis pertinentiis quibuſcunque, tàm non nominatis quàm nominatis tàm ſubtùs terrâ quàm ſuprà terram, pro cul et propè ad prædictum dominium Baroniam et regalitatem ſpectantibus, ſeu juſtè ſpectare valentibus, quomodo libet; in futurum liberè, quietè, plenariè, integrè, honorificè, benè et in pace, ſine ullâ revocatione, contradictione, impedimento aut obſtaculo quo cunque; reddendo indè annuatim dictus dominus Willielmus Alexander, ſuique prædicti nobis noſtrique hæredibus et ſucceſſoribus unum denarium monetæ regni noſtri Scotiæ ſuper fundo dictarum terrarum et provinciæ Novæ Scotiæ ad feſtum nativitatis Chriſti, nomine *Albæ Firmæ*, ſi petatur tantùm. Et quia tentione dictarum terrarum et provinciæ Novæ Scotiæ, in Albâ firmâ prædictiâ, deficiente tempeſtivo et legitimo introitu cujuſvis hæredis vel hæredum dicti domnini Willielmi ſibi ſuccedentium, quòd difficiliùs per ipſos præſtari poteſt ob longinquam diſtantiam ad hoc regno noſtro eadem terræ et provincia, ratione non introitûs, in manibus noſtris noſtrorumve ſucceſſorum devenient uſquè ad legitimum legitimi hæredis introitum; et nos nolentes dictas terras et regionem quovis tempore in non introitu cadere, neque dictum dominum Willielmum ſuoſque prædictos bene-

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ficiis et proficuis ejuſdem eàtenùs fruſtrari; idcireò nos cum aviſamento prædicto eum dicto non introitu, quandocunque contigerit, diſpenſavimus tenoreque præſentis chartæ noſtræ pro nobis et ſucceſſoribus noſtris diſpenſamus, ac etiam renuntiavimus et exoneravimus, tenoreque præſentis chartæ noſtræ, cum conſenſu prædicto, renuntiamus, etexoneramus dictum dominum Willielmum ſucſque præ dictos de præfato non introitu dictæ provinciæ et regionis, cum omnibus beneficio et commoditate earumdem, primis proficuis, cenſibus et devoriis hujuſmodi, cum omnibus quæ deſuper ſequi poſſunt, quandocunque in manibus noſtris devenient, aut ratione non introitûs cadent; proviſo tamen quòd dictus dominus Willielmus, ſuique hæredes et aſſignati infra ſpatium ſeptem annorum poſt deceſſum et obitum ſuorum prædeceſſorum aut introitum ad poſſeſſionem dictarum terrarum aliorumque prædictorum, per ipſos vel eorum legitimos procuratores ad hunc effectum poteſtatem habentes nobis noſtriſque ſucceſſoribus homagium faciant, et dictum dominium terras et baroniam aliaque prædicta adeant, et per nos recipiantur ſecundùm leges et ſtatuta dicti regni noſtri Scotiæ. In quo quidum caſu hæredes et aſſignati dicti domini Willielmi Alexdri, non obſtante prædicto non introitu, gaudebunt et poſſidebunt omnes et ſingulas prædictas terras regionem et dominium Novæ Scotiæ cum omnibus et ſingulis proficuis, commoditatibus, beneficiis, privilegiis et libertatibus earumdem, ac ſi dictus non introitus non fuiſſet, vel ac ſi non introitu nunquam cecidiſſent; quæ quidem terræ, regio et dominium Novæ Scotiæ, tàm terra firma quàm inſulæ infrà omnes et ſingulas bondas et marcas earumdem, cum ſylvis, piſcationibus, tâm in aquis ſalſis quàm dulcibus, tam piſcium regalium quàm aliorum, cum margaritis pretioſis lapididibus, venis, mineralibus, regiis auri et argenti, aliis mineralibus ferri, chalybis, plumbi, cupri, æris ſtanni, orichalci, aliiſque quibuſcunque ac omnibus privilegiis, libertatibus, immunitatibus prærogativis officiis et juriſdictionibus aliiſque ſpecialiter et generaliter ſuprà recitatis, quæ priùs ad dictum dominum Willielmum Alexandrum, ſuoſque hæredes et aſſignatos pertinuerint, et per ipſum ſuoſque procuratores ſuo nomine in manibus noſtris debitè et legitimè reſignatæ fuerint, et hoc pro novo noſtro hæreditario infeofamento earumdem, in favorem dicti domini Willielmi,ſuorumque hæredum et aſſignatorum prædictorum, indebitâ et competenti formâ ut congruit concedendarum, tenendarum, ut dictum eſt, cum diſpenſatione non introitûs modo præſcripto, pro bono fideli et gratuito ſervitio nobis per dictum dominum Willielmum Alexandrum præſtito et impenſo, et reſpectu habito magnarum et multarum expenſarum, et ſumptuum *conferendorum et impendendorum in plantatione dictarum bondarum dominii et regionis Novæ Scotiæ, et earumdem ſub noſtrâ obedientiâ, reductione,* aliiſque gravibus et cauſis oneroſis de novo dedimus, conceſſimus et diſpoſuimus tenoreque præſentis chartæ noſtræ, damus, concedimus et diſponimus præfato domino Willielmo Alexandro, ſuiſque hæredibus et aſſignatis hæreditariis omnes et ſingulas prædictas terras, dominium et regionem Novæ Scotiæ, unà cum omnibus et

ſingulis caſtellis, turribus, fortaliciis, maneriorum locis, domibus, ædificiis, extructis et extruendis, hortis, pomariis plantatis et plantandis, toſtis, croſtis, pratis, paſcuis, ſilvis, virgultis, molendinis, multuris, terris molendinariis, piſcationibus, tàm rubrorum quàm alborum piſcium, ſalmonum, piſcium tàm magnorum quam minutorum, tâm in aquis ſalſis quàm dulcibus ; unà cum omnibus et ſingulis decimis garbalibus earumdem, incluſis tàm magnis quàm minutis cum advocatione, donatione beneficiorum Eccleſiarum, et Capellaniarum, et juribus Patronatuum earumdem annexis, connexis, dependentiis, tenentibus, tenandriis, et liberè tenentium ſervitiis earumdem ; unà cum omnibus et ſingulis pretioſis lapidibus, gemmis, cryſtallo, alumine, corallio et aliis, cum omnibus et ſingulis mineralibus, venis, lapidicinis earumdem, tàm metallorum et mineralium regaliorum et regiorum auri et argenti infrà dictas bondas et dominium Novæ Scotiæ, quàm aliorum mineralium quorumcunque, cum omnibus et ſingulis partibus, pendiculis, pertinentiis, privilegiis, libertatibus et immunitatibus, omnium et ſingularum prædictarum terrarum dominii et regionis Novæ Scotiæ, cun plenâ poteſtate et privilegio dicto domino Willielmo Alexandro, hæredibuſque ſuis et aſſignatis tentandi et inveſtigandi, fodiendi et ſcrutandi fundum pro iiſdem, et extrahendi eadem, purgandi et repurgandi, purificandi, eadem utendi, convertendi ac ſuis propriis uſibus applicandi, reſervato ſolummodò nobis noſtriſque ſucceſſoribus, decimam pârtem regalium metallorum, vulgò appellatorum *Oare*, auri et argenti, inveniendi et extrahendi in poſterùm de dictis terris et regione, et reliqua dictorum metallorum, mineralium, pretioſorum lapidum, gemmarum ac aliorum quorumcunque dicto domino Willielmo Alexandro ſuiſque hæredibus et aſſignatis pertinebunt cum ipſis perpetuò remanebunt eorumque propriis uſibus convertendo, cum omnibus proficuis et devoriis earumdem ; cum poteſtate dicto domino Willielmo Alexandro ſuiſque hæredibus et aſſignatis, condendi, extruendi et erigendi in et infrà omnes bondas dictæ regionis ſicuti iis videbitur expediens, civitates, liberos burgos Baroniæ, villas, villulas, ſinus, portus, ſtationes navium, et deſignandi nundinas et macella, tam in villis quàm extrà, et imponendi, levandi, recipiendi omnes et quoſcunque telonia, cuſtumas, anchoragia, aliaſque earumdem civitatum, burgorum Baroniæ, villarum, villularum, nundinarum, macellorum, liberorum portuum, ſinuum, navium ſtationum, cum omnibus et ſingulis caſualitatibus, proficuis et devoriis quibuſcunque : eaſdem civitates et burgos adornandi, tam infrà burgos quàm extra, cum ſufficientibus et habilibus Magiſtratibus, pacis Juſticiariis, præpoſitis Ballivis, Senioribus, Conſtabulariis aliiſque Officiariis, civibus, burgenſibus liberis et manufactoribus, artificibus omnium generum, cum Decanis ipſorum, aliiſque ad hoc requiſitis, cum plenariâ poteſtate, privilegio et libertate iis eorumve liberis civibus et burgenſibus vendendi vinum et ciceram, ſalmones, halices; aliaque ſtapuli bona et mercimonia tàm magna quàm minuta, et extruendi Eccleſias, Capellas, Xenodochia,

nodochia, *the hoſpitalls maiſoundieus*, cruces forales, campanilia, campanas, aliaque omnia ornamenta ordinaria eiſdem ſpectantia ; et plantandi et ſufficienter providendi eaſdem Eccleſias cum ſufficientibus Doctoribus, Prædicatoribus et Miniſtris ; et ſimiliter erigendi, fundandi et extruendi ſcholas triviales, collegia et univerſitates ſufficienter proviſas habilibus et ſufficientibus Magiſtris, Rectoribus, Regentibus, Profeſſoribus omnium ſcientiarum, literarum, linguarum et ſermonum, et providendi pro ſufficiente alimento, ſtipendiis et victui pro eiſdem ad hunc effectum : ac etiam erigendi Prælatos, Archiepiſcopos, Epiſcopos, Rectores et Vicarios parochiarum et Eccleſiarum parochialium; et diſtribuendi, et dividendi omnes prædictas bondas dictæ regionis in diverſis et diſtinctis Vice-comitatibus, provinciis et Parochiis, pro meliori proviſione Eccleſiarum et miniſterii, diviſione vice-comitatuum, et omni aliâ civili politiâ ; et ſimiliter fundandi, erigendi, et inſtituendi Senatum, juſtitiæ loca, et juſtitiæ collegia, conſilii et ſeſſionis Senatores, earumdem membra pro juſticiæ adminiſtratione infrà dictam regionem, aliaque Juſticiæ et Judicaturæ loca ; pretereà erigendi et deſignandi tàm ſecreta et privata concilia et ſeſſiones, pro publico bono et commodo dictæ regionis, et dando et concedendo titulos, honores et dignitates membris eorumdem, et creando Clericos et eorumdem membra, et deſignandi ſigilla et regiſtra cum ipſorum cuſtodibus ; ac etiam erigendi et inſtituendi Officiarios ſtatus, Cancellarium, Theſaurarium computorum, Rotulorum, collectionum, Secretarium, Advocatum vel Atornatum generalem, Clericum et Clericos regiſtri et rotulorum Cuſtodes juſticiariæ, Clericum Directorem vel Directores Cancellariæ, Conſervatorem vel Conſervatores privilegiorum dictæ regionis, Advocatos, Procuratores cauſarumque Patronos, earumdemque Solicitatores et Agentes, aliaque membra neceſſaria ; et ſimiliter convocandi, congregandi et conſtituendi conventiones et congregationes Eccleſiaſticorum Prælatorum, tàm generales ſynodales vel provinciales conventiones, quàm alias pro politiâ et diſciplinâ eccleſiaſtica ; et authoriſandi, ratificandi et confirmandi eaſdem conventiones, conſilia et congregationes, cum actis, ſtatutis et decretis inibi concluſis, pro earumdem meliori authoritate. Prætereà fecimus, conſtituimus et ordinamus tenoreque præſentis chartæ noſtræ facimus, conſtituimus et ordinavimus dictum dominum Willielmum Alexandrum, ſuoſque hæredes et aſſignatos noſtros noſtrorumve hæredum et ſucceſſorum Locum-tenentes generales ad repræſentandum noſtram regalem Perſonam, tàm per mare quàm per terram, totius et integræ dictæ regionis et dominii Noæ Scotiæ, tàm durante ſpatio quò ibi remanebit, quàm in itinere ipſius vel eorum ad dictam regionem, vel ab eâdem, et poſt ipſorum reditum, continuò ſine intervallo temporis aut loci, excludendo omnes alios vel per mare vel per terram ab uſurpatione hujus contrarii, vel ab acclamatione alicujus juris, beneficii authoritate, et intereſſe infrà dictas bondas et dominium Novæ Scotiæ, vel alicujus judicaturæ aut juriſdictione eâtenùs virtute alicujus præcedentis aut ſubſequentis juris aut tituli cujuſcunque, et cum ſpeciali poteſtate dicto domino

Willielmo

Willielmo Alexandro, ſuiſque prædictis gubernandi, regendi, muniendi et condonandi omnes noſtros ſubitos alioſque dictarum bondarum et regionis Novæ Scotiæ inhabitantes, aut ibi proficiſcentes, pacis aut legum dictæ regionis tranſgreſſores, ac faciendi, ſanciendi et ſtabiliendi ibidem leges, tàm civiles quàm criminales, cum legibus Juſticiariæ, Admiralitatis, Seneſcallatûs, Regalitatis et Vice-comitatûs pro eorum beneplacito, modo eædem leges tàm conformes ſint legibus Scotiæ, quàm convenienter fieri poteſt, reſpectu habito circumſtanciarum loci, regionis, perſonarum et qualitatum earumdem; et ſimiliter deſignandi Gubernatores, Imperatores et ductores omnium et ſingularum prædictarum civitatum, burgorum, portuum, navium ſtationum et ſinuum, et Capitaneos etiam caſtrorum, fortaliciorum et propugnaculorum, tàm per mare et propè littus, quàm per terram, benè et ſufficienter munitorum, inſtructorum et fortificatorum militum turmis et copiis pro manutentione, defenſione et preſervatione earumdem, et repulſione omnium tàm domeſticarum quàm extranearum invaſionum earumdem; et convocandi, congregandi et convenire faciendi omnes inhabitantes dictæ regionis ad effectum preſcriptum, omnibus occaſionibus neceſſariis, ac pro repulſione et reſiſtentiâ omnium aliarum virium et violentiarum quarumcunque, et pro meliori fortificatione dicti dominii et regionis Novæ Scotiæ cum poteſtate dicto domino Willielmo Alexandro ſuiſque prædictis, tranſportandi, de dicto regno aliiſve bondis convenientibus omnia genera munitionis magna et minuta, tormenta majora media vulgò canones, demi canones, elinges, falcones æris et ferri, ſclopetos atque alia inſtrumenta et belli machinas, cum ſclopetis minoribus vulgò muſketis, hagbentis, half-haggis, bombardis, vulgò piſtolettis, pulvere, globulis, aliiſque neceſſariis victualibus et armis tàm offenſivis quàm defenſivis, et gerendi et utendi talibus armis tàm infrà dictam regionem Novæ Scotiæ, quam in eorum tranſitu et curſu, vel ad eaſdem terras vel ab eiſdem, cum eorum comitibus, ſociis et dependentibus. Nos etiam cum aviſamento prædicto, fecimus, conſtituimus et ordinavimus, tenoreque præſentis chartæ noſtræ, facimus, conſtituimus et ordinamus dictum dominum Willielmum Alexandum, ſuoſque hæredes et aſſignatos hæreditariè, noſtros Juſticiàrios generales in omnibus cauſis criminalibus infrà dictam regionem et dominium Novæ Scotiæ magnum Admirallum, et Dominum Regalitatis et Admiralitatis infrà dictam regionem hæreditarios etiam Seneſcallos ejuſdem omniumque et ſingularum regalitatum hujuſmodi, cum poteſtate ſibi ſuiſque hæredibus et aſſignatis utendi, exercendi et gaudendi omnibus et ſingulis præfatis juriſdictionibus, judicaturis et officiis cum omnibus et ſingulis privilegiis, prærogativis, immunitatibus et caſualitatibus earumdem, ſimiliter et adeo liberè quàm aliquis alius Juſticiarius vel Juſticiarii generales, Seneſcalli, Admiralli, Vice-comites aut Domini regalitatis habuerunt vel habere poſſunt, aut poſſidere et gaudere iiſdem juriſdictionibus, judicaturis, officiis, dignitatibus et prærogativis, in aliquibus noſtris regnis, bondis et dominiis noſtris quibuſcunque, cum poteſtate dicto domino Willielmo Alexandro, ſuiſque hæredibus

dibus et aſſignatis conſtituendi, erigendi, nominandi et creandi Clericos et Officiarios, Serjandos, adjudicatores, omniaque alia Curiæ membra, omnium et ſingularum præfatarum judicaturarum et juriſdictionum reſpectivè, cum omnibus feodis, devoriis et caſualitatibus eiſdem ſpectantibus, prout iis videbitur expediens, ſine præjudicio omnimodò omnium aliorum infeofamentorum, jurium vel diſpoſitionum per nos noſtroſve prædeceſſores cuicunque perſonæ vel quibuſcunque perſonis qui participes ſunt vel erunt dictæ plantationis Novæ Scotiæ procedentium, ſuprà reſignatione dicti domini Willielmi Alexandri, ſolummodò et non aliter de quibuſcunque partibus aut portionibus dictæ regionis dominii Novæ Scotiæ, cum privilegiis et immunitatibus in ipſorum infeofamentis mentionatis ; et quum rationel ongi intervalli et diſtantiæ dictæ regionis et dominii Novæ Scotiæ, à dicto antiquo regno noſtro Scotiæ, et quod eadem regio, neque facilè, neque commodè, niſi æſtatis tempore peti poteſt, quodque eadem regio publicis Tabellionibus et Notariis requiſitis, pro ſeiſinis ſumendis omninò eſt deſtituta, adeo ut ſeiſina commodè ſuper fundum dictæ regionis omnibus temporibus capi non poteſt, atque etiam reſpectu habito magnorum et multifariorum incommodorum quæ cadere poſſunt in defectu tempeſtivæ ſeiſinæ ſumendæ ſupra hoc præſens diploma, et ſuper alias chartas et ſimilia infeofamenta conceſſa et concedenda de prædictis terris et dominio Novæ Scotiæ, vel aliquâ earumdem parte, igitur ut præſens hæc noſtra charta magis ſit efficax, et ut ſeiſina deſuper magis commodè capi poſſit, neceſſarium eſt ut ſeiſina ſumatur omnium et ſingularum prædictarum terrarum dictæ regionis et dominii Novæ Scotiæ, infrà dictum regnum noſtrum Scotiæ, et ſuper funda et terras ejuſdem in magis eminente ejuſdem loco, quòd nec convenienter nec legitimè fieri poteſt, ſine expreſſâ unione dictæ regionis et dominii Novæ Scotiæ quocircà et pro facilitate, commodo et convenientiâ antedictæ ſeiſinæ, Nos cum aviſamento prædicto annexavimus, univimus et incorporavimus, tenoreque præſentis chartæ noſtræ unimus, annexamus et incorporamus dicto regno noſtro Scotiæ, totam et integram prædictam regionem et dominium Novæ Scotiæ cum decimis, et decimis garbalibus earumdem incluſis, et omnibus et ſingulis partibus, pertinentiis, privilegiis, juriſdictionibus et libertatibus earumdem, aliiſque generaliter et ſpecialiter ſuprà mentionatis, et per præſentis chartæ noſtræ tenorem volumus, declaramus, decernimus et ordinamus quòd unica ſeiſina nunc capienda apud caſtellum noſtrum de Edinburg, tanquam maximè eminentem et principalem locum dicti regni noſtri Scotiæ, de omnibus et ſingulis dictis terris, regione et dominio Novæ Scotiæ, vel aliquâ earumdem parte cum decimis et decimis garbalibus earumdem reſpectivè incluſis, eſt et erit ſufficiens ſeiſina pro totis et integris prædictis terris, regione et dominio Novæ Scotiæ, cum decimis et decimis garbalibus earumdem incluſis, vel aliquâ earumdem parte terrarum et regionis præſcriptarum, et omnibus privilegiis, juriſdictionibus et libertatibus ejuſdem reſpectivè, aliiſque ſpecialiter et generaliter ſupra mentionatis, non obſtante quòd eædem terræ, regio et dominium Novæ Scotiæ longè diſtet, et diſcon-

tiguè

tiguè jaceat à dicto regno noſtro Scotiæ, penes quòd nos cum aviſamento et conſenſu prædicto diſpenſavimus, tenoreque præſentis chartæ noſtræ diſpenſamus in perpetuum, ſine præjudicio et derogatione omnimodò dicti privilegii et prærogativæ præfato domino Willielmo Alexandro, ſuiſque hæredibus et aſſignatis conceſſæ, pro confectione et ſtabilimento legum, actorum et conſtitutionum omnium et ſingularum prædictarum terrarum regionis et dominii Novæ Scotiæ, tàm per mare quàm per terram, et per præſentis chartæ noſtræ tenorem declaramus, quòd non obſtante dictà unione (quæ concedi ſolùmmodò declaratur pro commoditate et convenientiâ ſeiſinæ) eadem regio et dominium Novæ Scotiæ judicabitur, regetur et gubernabitur per leges et conſtitutiones factas, faciendas, conſtituendas et ſtabiliendas per dictum dominum Willielmum Alexandrum, ſuoſque hæredes et aſſignatos ſpectantes ad dictam regionem et dominium Novæ Scotiæ, ſimiliter et adeò liberè in eo reſpectu, ſicuti eadem unio nunquam fuiſſet facta nec eàtenùs conceſſa; et prætereà non obſtante prædictâ unione, licitum erit prædicto domino Willielmo Alexandro ſuiſque hæredibus et aſſignatis dare, concedere et diſponere aliquas partes vel portiones dictarum terrarum regionis dominii Novæ Scotiæ iis hæreditariè ſpectantes, ad et in favorem quarumcunque perſonarum, earum hæredum et aſſignatorum hæreditariè, cum decimis et decimis garbalibus earumdem incluſis (modò noſtri ſint ſubditi) tenendas de dicto domino Willielmo Alexandro, vel de nobis et noſtris ſucceſſoribus, vel in albâ firmâ feudiſſimâ, vel wardâ et relevio pro eorum beneplacito, et intitulare et denominare eaſdem partes et portiones quibuſcunque ſtilis, titulis et deſignationibus iis viſum fuerit, aut in libito et optione dicti domini Willielmi ſuorumque prædictorum. Quæ quidem infeofamenta et diſpoſitiones per Nos noſtroſve ſucceſſores liberè ſine aliquâ compoſitione propterea ſolvendà approbabuntur et confirmabuntur; inſuper Nos noſtrique ſucceſſores quaſcunque reſignationes per dictum dominum Willielmum Alexandrum, ſuoſque hæredes et aſſignatos fiendas de totis et integris præfatis terris et dominio Novæ Scotiæ, vel alicujus earumdem partis in manibus noſtris noſtrorumque ſucceſſorum et commiſſariorum prædictorum, cum decimis et decimis garbalibus earumdem incluſis, aliiſque generaliter et ſpecialiter ſuprà mentionatis, recipiemus, ad et in favorem cujuſcunque perſonæ aut quarumcunque perſonarum (modò noſtri ſint ſubditi, et ſub noſtrâ obedientiâ vivant) et deſuper infeofamenta expedient tenenda in liberâ albâ firmâ de nobis, hæredibus et ſucceſſoribus noſtris modo ſuprá mentionato liberè ſine ullâ compoſitione; quæ quidem terræ, regio et dominium Novæ Scotiæ, cum decimis garbalibus earumdem incluſis, omneſque et ſingulæ partes pendiculæ et pertinentiæ, privilegia, juriſdictiones, prærogativæ et libertates earumdem, aliaque ſpecialiter et generaliter ſupra mentionata, unà cum omni jure, titulo, intereſſe, juris clameo tàm petitoris quàm poſſeſſoris, quæ Nos noſtrive prædeceſſores aut ſucceſſores habuimus, habemus vel quovis modo habere vel clamare aut pretendere potuimus, ad eaſdem vel aliquam earumdem partem, aut ad cenſus, firmas, proficua, et devorias earum-

dem, de quibuſcunque annis aut terminis præteritis, pro quàcunque cauſâ vel occaſione, Nos cum aviſamento prædicto, pro rationibus ſuprà mentionatis, de novo damus concedimus et diſponimus prædicto domino Willielmo Alexandro ſuiſque hæredibus et aſſignatis hæreditariè, in perpetuum renunciando et exonerando iiſdem ſimpliciter cum omni actione et inſtantiâ eàtenùs competenti, ad et in favorem dicti domini Willielmi Alexandri ſuorumque hæredum et aſſignatorum, tam pro non ſolutione devoriarum in ipſorum originalibus infeofamentis contentarum, quàm pro non præſtatione debiti homagii eiſdem conformiter, aut pro non perimpletione alicujus puncti dicti originalis infeofamenti, aut pro commiſſione alicujus culpæ, aut facti omiſſionis vel commiſſionis iiſdem præjudiciabili, et undè idem originale infeofamentum legitimè impugnari, aut in quæſtionem duci in poſterùm quovis modo poſſit, acquittendo et remittendo iiſdem ſimpliciter cum omni titulo, actione, inſtantiâ et intereſſe eàtenùs competenti, aut quæ nobis noſtriſque hæredibus et ſucceſſoribus competere poſſit, renunciando iiſdem ſimpliciter juri, liti et cauſæ, cum pacto de non petendo, ac cum ſupplemento omnium defectuum, tàm non nominatorum quàm nominatorum, quæ nos tanquam pro expreſſis in hâc præſenti chartâ noſtrâ habere volumus, tenendo in liberâ albâ firmâ ut dictum eſt, et diſpenſando cum non introitu quandocunque contigerit modo prædicto. Inſuper nos pro nobis et ſucceſſoribus noſtris cum aviſamento prædicto damus, concedimus et committimus poteſtatem dicto domino Willielmo Alexandro, ſuiſque hæredibus et aſſignatis habendi et legitimè ſtabiliendi, et cudere cauſandi monetam currentem in dictâ regione et dominio Novæ Scotiæ et inter inhabitantes ejuſdem, pro faciliori commercii et pactionum commodo, talis metalli, formæ et modi, ſicuti ipſi deſignabunt aut conſtituent, et ad hunc effectum damus, concedimus et committimus iis eorumve hæredibus et aſſignatis dictæ regionis Locum-tenentibus privilegia monetam cudendi, cum inſtrumentis ferreis et Officiariis ad hunc effectum neceſſariis. Prætereà Nos pro nobis et ſucceſſoribus noſtris cum aviſamento prædicto dedimus, conceſſimus, ratificavimus et confirmavimus, ac per præſentis chartæ noſtræ tenorem damus, concedimus, ratificamus et confirmamus dicto domino Willielmo Alexandro, ſuiſque hæredibus et aſſignatis omnia loca, privilegia, prærogativas, præeminentias, et præcedentias quaſcunque datas, conceſſas et reſervatas, vel dando, concedendo et reſervando dicto domino Willielmo Alexandro, ſuiſque hæredibus et aſſignatis ejuſque ſucceſſoribus Locum-tenentibus dictæ regionis et dominii Novæ Scotiæ ſuper Equites auratos, Baronetos reliquoſque portionarios et conſortes dictæ plantationis, adeo ut dictus dominus Willielmus Alexander ſuique hæredes maſculi de corpore ſuo deſcendentes, tanquam Locum-tenentes prædicti ſumant et ſumere poſſint locum, prærogativam, præeminentiam et præcedentiam, tàm antè armigeros, Barones minores et generoſos, vulgò *Eſquires*, *Lords*, *and Gentlemen*, dicti regni noſtri Scotiæ, quàm anté omnes prædictos Equites auratos, Baronetos ejuſdem regni noſtri, omneſque alios anté quos dicti Equites aurati, Baroneti locum

cum, et præcedentiam, virtute privilegii dignitatis iis conceſſi, habere poſſunt, pro cujus plantatione et coloniæ Novæ Scotiæ adjumento, et ejus præcipuo reſpectu dicti Equites aurati, Baroneti cum ipſorum ſtatu et dignitate, cum aviſamento prædicto in dicto regno noſtro Scotiæ creati fuerant, tanquam indicium ſpecialis noſtri favoris ſuper tales generoſos et honeſto loco natos collati, prædictæ plantationis et colloniæ participes, cum hâc expreſſâ proviſione omnimodò, quòd numerus præfatorum Baronetorum nunquam excedat centum et quinquaginta. Denique Nos cum aviſamento prædicto pro nobis, hæredibus et ſucceſſoribus noſtris volumus, decernimus et ordinamus hoc noſtrum diploma et infeofamentum ratificari, approbari et confirmari, cum omnibus ejuſdem contentis in proximo noſtro Parliamento regni noſtri Scotiæ ; et ut habeat vim, robur et efficaciam acti, ſtatuti et decreti ejuſdem ſupremæ judicaturæ, penes quod Nos pro nobis noſtriſque ſucceſſoribus declaramus et ordinamus præſentem hanc chartam Dominis articulorum dicti noſtri Parliamenti, pro ratificatione et confirmatione ejuſdem modo præſcripto ſufficiens fore warrantum ; inſuper dilectis noſtris . . . . . .

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Et veſtrum cuilibet conjunctim et diviſim, Vice-comitibus noſtris in hàc parte ſpecialiter conſtitutis ſalutem, vobis præcipimus et mandamus quatènus præfato domino Willielmo Alexandro, vel ſuo certo actornato latori præſentium ſtatum et ſeiſinam hæreditariam pariter et poſſeſſionem corporalem, realem et actualem totarum et integrarum prædictarum terrarum regionis et dominii Novæ Scotiæ, cum omnibus et ſingulis partibus, pendiculis, privilegiis, commoditatibus, immunitatibus, aliiſque tàm generaliter quàm particulariter ſuperiùs expreſſis, apud dictum caſtrum noſtrum de Edinburgh, tradatis et deliberetis ſine dilatione, et hoc nullo modo omittatis ; ad quod faciendum vobis et veſtrum cuilibet conjunctim et diviſim Vice-comitibus noſtris in hâc parte ante dictâ noſtram et plenariam et irrevocabilem tenore præſentis chartæ noſtræ committimus poteſtatem. Quam quidem ſeiſinam Nos cum aviſamento prædicto, pro nobis noſtriſque ſucceſſoribus, tenore præſentis chartæ volumus, declaramus et ordinamus, tam forè legitimam et ſufficientem, quam ſi precepta ſeiſinæ ſeparatim et ordinarie, è noſtrâ Cancellariâ ad eum effectum ſuper dictâ noſtrâ chartà fuiſſent directa, penes quam nos cum aviſamento prædicto, pro nobis, hæredibus et ſucceſſoribus noſtris diſpenſavimus, ac per præſentis chartæ noſtræ tenorem diſpenſamus in perpetuum. In cujus rei teſtimonium huic præſenti noſtræ chartæ magnum ſigillum noſtrum apponi præcipimus : teſtibus prædilectis noſtris Conſanguineis et Conſiliariis Jacobo Marchione de Hamiltone, Comite Araniæ et Cambridge, domino Evan et Invardaill, &c. Georgio Mareſcalli, Comite, domino Keith, regni noſtri Mareſcallo ; prædilecto noſtro Cancellario domino Georgio Stay de Kynfarms, milite noſtro Conſiliario ; prædilecto noſtro Conſanguineo et Conſiliario Thoma Comite de Melroſs, domino Bynming, et noſtro Secretario ; dilectis noſtris familiaribus

bus Conſiliariis dominis Ricardo Cockburne de Cleikingtourne, noſtri ſecreti ſigilli Cuſtode; Joanne Hamilton de Magdalens, noſtrorum Rotulorum regiſtri Conſilii Clerico, et Joanne Scott de Scottiſtarvit, noſtræ Concellariæ Directore, militibus. Apud aulam *de Oblandis*, duodecimo die menſis julii, anno Domini milleſimo ſexcenteſimo vigeſimo quinto, et anno regni noſtri primo.

I do hereby certify that this paper was tranſmitted to this office by order of the Lord Advocate of Scottland, as an authentick copy from the records of this kingdom. Plantation office, Whitehall, Oct. 19, 1750. *Signed*,

THOMAS HILL.

A PROCLAMATION *for the utter prohibiting the Importation and Uſe of all Tobacco which is not of the proper growth of the Collonyes of* Virginia *and the* Sommer Iſlands, *or one of them.*

[Rymer Vol. XVII. P. 668. A D. 1625.]

WHEREAS, at the humble Suite of our Commons in Parliament by our Royall Proclamation, bearing Date the *nyne and twentith Day of September* now laſt paſt, for the Reaſons therein contayned, We have prohibited the Importation and Uſe of all *Tobacco*, which is not of the proper Growth of our *Collonies of Virginia and the Sommer Iſlands*, or one of them. And whereas, uppon the humble Petition of many our loving Subjects, being Planters or Adventurers in thoſe Collonies, and for the Supporte and Incouragement of thoſe Plantations, whoſe proſperous Eſtate We much affecte, and ſhall by all good Meanes be alwayes ready to cheriſh and protect, We have been contented to tollerate the Uſe of Tobacco of the Growth of thoſe Plantations for a Tyme, untill by more ſolid Commodityes they be able to ſubſiſte otherwiſe, which, as We are informed, they cannot as yet by any Means do; and therefore by our ſaid Proclamation We did thincke fitt to give particuler Directions in many Things tending to thoſe Ends, and did ſtreightly commaund the due Execution and Obſervation thereof, under the Penalties therein contained: Now, becauſe Wee have been informed, as well by the humble Certificate of our Commiſſioners for *Virginia*, as by the humble Petition of divers of our loveing Subjects the Plant-

ers and Adventurers of, and in thoſe Collonies, that notwithſtanding our Royall Pleaſure was ſo expreſsly ſignified, and the Reaſons of State are ſo plainly layed down as might have perſwaded every well affected Subjecte to the due Obſervation thereof; yet divers, out of an inordinate Deſire of private Gayne, have willfully diſobeyed our Commaundement herein, and thereby have endeavoured, as much as in them lyeth, to deſtroye ſoe noble a Work as the Support of thoſe Plantations, which ſoe much concernes our Honor and the Honor and Proffitt of our People; Wee therefore being very ſenſible of this Neglecte and Contempte, have thoughte good to renewe our ſaid Proclamation, and doe hereby ſignifie and declare unto all our loving Subjects, and unto all others, our expreſſe Will and Pleaſure to be, that our ſaid former Proclamation, and every Clauſe, Prohibition, Article, and Thing therein contayned, ſhall from henceforth be duly obſerved and obeyed, with ſuch Alterations and Conditions as are in theſe Preſents contained and expreſſed, uppon Payne of our highe Diſpleaſure, and ſuch Penalties and Puniſhments as in our ſaid former Proclamation are, or in theſe Preſents ſhall be lymitted or appointed for the Offendors thereof. And whereas ſome have ſince our ſaide laſt Proclamation, unmarchantlike, ſeacretlye, and cunningly ſtoln in greate Parcells of Tobacco, contrary to our ſaide Proclamation, We would have thoſe Perſons, and all others by theire Example, knowe that they muſt expecte the Severity of that Cenſure, which our Court of Starchamber ſhall thincke fitte to inflicte upon them, and that Wee are reſolved not to relent or remitte their deſerved Puniſhments, but to cauſe them, and all others that dare to offende heerein, to be proſecuted and puniſhed in ſuch Meaſure as ſuch theire high Contempt doth deſerve. And becauſe Wee conceived it would be utterlie in vayne to prohibite the Ymportation of ſuch forraine Tobacco as aforeſaid, unles the Care and Chardge of the Execution thereof were committed by Us to ſome fitte and able Perſons, whoe beſides theire Reſpecte to our Service, might for their own particular Intereſt take the ſame to Harte; therefore We have by our Letters-patents under our Great Seale of England, authorized certain Perſons, Citizens of London, well affected to thoſe Plantations and to our Service, by themſelves and their Deputies, to ſearch and inquire into the Offences and Offendors againſt our ſaid Proclamation; and Wee have alſo contracted with them to be our Agents for Us, and to our Uſe, to receive the Tobacco of thoſe Collonyes at and for ſuch Prices as we have agreed to give for the ſame; and beſides thoſe Prices to be given to the Planters and Owners of the ſaid Tobacco, our ſaid Agents have further contracted with Us, to give and pay unto Us and to our Uſe, ſuch Sommes of Money more, as may give Us reaſonable Satisfaction for that Loſſe which otherwiſe Wee ſhould ſuſtayn in our Cuſtoms and other Duties, and may enable Us to bear that Charge which Wee have undertaken yerely to diſburſe for the generall Defence and Support of thoſe

Plantations. And Wee doe further by this our Proclamation, publiſhe and declare, that Wee will conſtantlye and inviolablye obſerve and performe our ſaid Contracte, and on our Parts, will allow and diſburſe out of our Revenue, thoſe Sommes of Money for the Safety of thoſe Plantations, and for the Eaſe of the Planters and Inhabitants there, which by the ſaid Contracte hath been on our Parts undertaken; whereof We would have as well our ſaid Agents, as the Planters and Adventurers in thoſe Collonyes, and all other whom it may concerne, to reſt confidently aſſured. And becauſe Wee are given to underſtand that divers, uſeing to trade in Tobacco, and having a purpoſe to ymport, or buy, or ſell the ſame contrary to the Intent of this our Proclamation, doe uſually land the ſame at private Wharfes, Stairs, or other Places, and ſende or conveye the ſame unto the Houſes, Cellars, Ware-houſes, or other Places, of, or belonging to others whoe are leſſe ſuſpected then themſelves, thereby to conceale the ſame from Us and our Agents; Wee further will and commaunde, that from henceforth noe Perſon whatſoever, preſume to ſuffer the ſaid prohibited Tobacco, to be landed at any Wharfe, Staire, or other Place, nor receive or conceal any ſuch prohibited Tobacco, or ſuffer the ſame to be beſtowed in any of their Houſes, Cellars, Warehouſes, or other Places, upon Payne of our high Diſpleaſure, and uppon ſuch Paynes and Penalties as by this, or our former Proclamation are to be inflicted uppon the principall Offenders: And to th'Intent that all the prohibited Tobacco brought in ſhall be juſtly and truly exported agayne, and noe Parte thereof ſoulde or vented within theis our Kingdoms, our Will and Command is, that all the prohibited Tobacco whiche ſhall be ſeized within our Kingdom of England, ſhall be broughte or delivered into the Warehouſes which ſhall be to that Purpoſe provided by the ſaid Agents in our Cittye of London, and all the prohibited Tobacco which ſhall be ſeized within our Kingdome of Ireland, ſhall be broughte and delivered into the Ware-houſes, or Storehouſes, which ſhall be to that Purpoſe appointed by our Agents, in our Cittye of Dublyn, or elſewhere, within our ſaid Kingdome of Ireland; and for the Incouragement of thoſe who ſhall take Paynes in the Diſcovery and ſeizing thereof, our Will and Pleaſure is, that the one halfe of the Value thereof ſhall be paid unto the Seizers thereof, in Money, by our Agents, and the Tobacco itſelfe ſhall be exported againe by our ſaide Agents, or by theire Appointments. And for the better Execution of our Service herein, Wee doe hereby give full Power and Authoritye, as well to our Agent and Agents, as to their Deputye and Deputyes, at all tyme and tymes to enter into and ſearch for any prohibited Tobacco contrarye to this our Proclamation, in any Shippe, Boate, or Veſſell, or in any Houſe, Shoppe, Cellar, Warehouſe, or in any Truncke, Cheſt, Kaſe, Barrell, or back Cabbyn, or any other ſuſpected place whatſoever; and finding any ſuch prohibited Tobacco, the ſame to ſeize and carrye away, to be conveyed to ſuch Place or Warehouſe as our ſaid Agents ſhall appointe for that purpoſe as aforeſaide. And our expreſſe Will and Commaund is,

is, that neither our ſaid Agents, nor any others, doe ſell or utter any part of the ſaid prohibited Tobacco, within any our owne Dominions, there to be ſpent and uſed whereby the Vente of the Tobacco of our Collonyes aforeſaid may any way be hindred uppon payne of our heavy Diſpleaſure, and of ſuch other Payns and Penalties as other Offendors againſt this our Proclamation are lyable unto. And whereas, by our former Proclamation, Wee did commaunde, that from and after the *Five and Twentith Day of Marche*, then and now next enſueing, noe Perſon ſhould ſell, utter, or offer to put to Sale, or Uſe any Tobacco which is not of the proper Growth of the Collonies aforeſaide, and before the End of Fortye Daies then next enſueing, ſhould tranſporte out of our ſaid Kingdome all other Tobacco then that of the Growth of thoſe Colonies; Wee doe nowe by this our Proclamation ratifie and confirme the ſame, and commaunde the ſame to be duly put in Execution; and to the End, there may be noe evaſion uſed to avoyde the ſame, Wee doe hereby give full Power and Commaundment to our ſaide Agents, by themſelves and their Deputies, at any tyme or tymes after the ſaid *Five and Twentith Day of March* now next enſueing, to ſearch for the ſaide prohibited Tobacco, and to take a true exacte Noate and Accompte of the Qualitye thereof, to the Ende, that the Owners thereof, before the End of Fortie Daies nexte enſueing after the ſaid *Five and Twentith Day of March*, either by themſelves, or ſome others, may export the ſame, by the Privity of the Agents, according to the true Intent of this and of our ſaid former Proclamation, and at the End of the ſaid Forty Daies, may give juſt Accompte unto our Agents what is become thereof; and whatſoever Tobacco, which is not of the proper Grouth of the Plantations aforeſaide, ſhall after the ſaide Fortie Daies be founde in the Hands of any Perſon whatſoever, ſhall be ſeized by our ſaid Agents, or theire Deputyes to our Uſe, and the ſaid Perſon or Perſons having or uſing the ſame, ſhall incurre ouf highe Diſpleaſure, and be ſubjecte to ſuch further Paynes and Penalties as by our ſaid former Proclamation are to be inflicted uppon any other Offenders. And our further Will and Commaunde is, That all the Tobacco of the Grouth of our Collonies aforeſaide, ſhall be brought to the Cuſtome-Houſe Keye of our Porte of London, and there be delivered to our Agents, or their Aſſignees, to our Uſe, according to our Contract aforeſaid, or be kepte in our ſaid Cuſtome-Houſe to be tranſported out of our Domynions, and whatſoever Tobacco, of the Grouth of thoſe Plantations, or either of them, ſhall not be brought to that Key, and be delivered as aforeſaid, or for which there ſhall not be good Security given to our Agents within Fourteene Daies after the Landing thereof, to exporte the ſame as aforeſaide, the ſame ſhall be forfeited and ſeized to our Uſe, by our Agents, or their Deputies, as other prohibited Tobacco, and this to be duly obſerved under the Pains and Penalties aforeſaid. And whereas, Wee are given to underſtand, that divers uſing to trade in Tobacco have, and ſtill doe ſeacretly and underhand ſteale

into our Kingdoms the ſaid prohibited Tobacco, and doe ſo privily hyde and conceale the ſame, that they cannot be eaſily diſcovered nor found out, and doe either by themſelves or others, by them to that purpoſe ymployed, carrye the ſame by ſmalle Quantityes to the Houſes or Shoppes of our Subjects inhabiting within our ſaid Kingdomes, and doe ſell or proffer the ſame to be ſoulde, or elſe doe ſecretlye or covertlye offer to contract for the Sale of ſuch prohibited Tobacco, our Will and Pleaſure is, and We doe hereby ſtreightlye chardge and commaund all and every our loveing Subjects, to whom any of the ſaid prohibited Tobacco ſhall be offered to be ſoulde or contracted for as aforeſaide, that immediatelye uppon the Sight of any the ſaid prohibited Tobacco, or uppon offer to contracte for any ſuch Tobacco, they make Staye thereof, and of ſuch Perſon or Perſons as ſhall either proffer the ſame to ſell, or ſhall offer to contracte for anye the ſaid prohibited Tobacco, and that they and every of them whoe ſhall have the ſaid prohibited Tobacco ſoe proffered unto them to be ſoulde as aforeſaide, ſhall give Notice thereof, and chardge the next Conſtable, Hedborrowe, or other Officer with ſuch Perſon or Perſons whoe ſhall offer to put the ſame to Sale, uppon payne of our high Diſpleaſure, and of ſuch other Paynes or Penalties, as other Offenders againſt this our Royal Proclamation are lyable unto. And Wee doee hereby further charge and commaund all and ſingular Conſtables, Hedborrowes and other our Officers aforeſaide, that they and every of them, uppon Notice to them given of any ſuch prohibited Tobacco as aforeſaide, or of any ſuch Perſon or Perſons ſoe offending as aforeſaide, that they ſeize the ſaid Tobacco, and deteyne all ſuch Perſon and Perſons ſoe offending, as they ſhall have Knowledge of, untill they have given Notice thereof unto our ſaid Agents, or theire Deputye or Deputyes, and untill by theire Meanes the Perſon offending may be brought before ſuch Officer as hath Power by this our Proclamation to take ſufficient Bond for the Appearance of ſuch Perſon in ſome of our Courts of Juſtice, to anſweare for theire Faults as the ſame ſhall deſerve. And for the better finding out and Diſcovery of the Offences and Offenders againſt our former, and this our Proclamation, Wee are well pleaſed, and do hereby require and command, that our Treaſorer, Commiſſioners for our Treaſury, Chauncellor and Barons of our Exchequer, nowe and for the tyme being, within our ſaid Kingdomes of England and Ireland reſpectively, ſhall and may awarde ſuch and ſoe many Commiſſions as they ſhall thinke meete, to be directed to diſcreete and fitte Perſons in all or any our Ports, or elſewhere, to enquire and examyne uppon Oath or otherwiſe, all ſuch Perſons as are or ſhall be ſuſpected to have heretofore offended, or which hereafter ſhall offende againſt this or our former Proclamation in this Behalfe; or any other Perſon or Perſons whatſoever, for the finding out and Diſcovery of the ſaid Offences and Offenders as is beforementioned; to the End that, as well the Ymporters of ſuch Tobacco, as the Buyers, Sellers, Spenders, Receivers, and Concealers thereof, may

receive

receive ſuch condigne Puniſhments, by Fyne or otherwiſe, for theire Offences, as by our Courte of Starchamber, or Courte of Exchequer, ſhall be thoughte fitte: And in Caſe ſuch Tobacco ſhall not or cannot be taken or founde to be ſeized, that then every ſuch Offender, ſhall forfeite and paye to the Hands of our Agent or Agents in this Behalf for our Uſe the full Value of ſuch Tobacco as the ſaid Offendors heretofore have or hereafter ſhall have imported, boughte, ſould, vented, or received as aforeſaide, beſides ſuch further Puniſhment as ſhall be fitt to be inflicted upon them for their Contempt. And our further Will and Pleaſure is, and Wee doe hereby declare, that whatſoever our ſaid Agent or Agents, theire Aſſignee or Aſſignees, under the Hands and Seales of the greater Nomber of them, have already done, or ſhall doe hereafter, againſte any Offendor or Offendors, in requiring and taking the Forfeiture of any Tobacco, or the Value thereof ſoe imported or uttered as aforeſaid, or in the mitigating or taking any leſſe Somme than the Value of the ſame of any ſuch Offender in the Premiſſes, or otherwiſe according to the good Diſcretion of our ſaid Agent or Agents, We do and will from tyme to tyme approve and allowe by theis Preſents: And this Signification of our Pleaſure ſhall be, as well unto our ſaid Agent or Agents for the tyme being, as unto all and every ſuch Commiſſioner and Commiſſioners, which have been or ſhall be ymployed in or about this our Service, a ſufficient Warrant and Diſcharge in that Behalf, without any Accompt to be by them, or any of them reſpectively, yielded to Us, our Heires or Succeſſors, and without incurring any Penalty in the doing or executing of this our Service and Royal Commaund. And foraſmuch as heretofore divers great Quantities of Tobacco have been imported into this Realme, under the Name or Names of ſundry poor Marriners and others which are not able to pay the value thereof, nor give Satisfaction for the ſame, our Will and Pleaſure is, the better to avoyde ſuch Frauds and Deceipts in tyme to come, that in whatſoever Shippe, or other Veſſell, any ſuch Tobacco in greater or leſſer Quantities ſhall be founde or diſcovered to have been or to be ſoe imported, and to be ſhifted away, that Seizure thereof cannot or ſhall not be made, that then ſuch Marriners and others, who ſhall ſoe import or cullor, the ſaid Tobaccoes, ſhall not only be puniſhed as aforeſaid, but that every Maiſter of ſuch Shippe or Veſſell, wherein ſuch Tobacco ſhall be ſo imported or ſhifted away as aforeſaid, ſhall forfeit to Us the Value of the ſaid Tobacco, and that ſuch Shippe or Shippes ſhall be arreſted and ſtaied by the Officers of everie Porte, or any of our Agents, their Deputyes or Aſſignes reſpectively, until the ſaid Forfeiture be dulye aunſwered and paide to the Handes of our ſaid Agent or Agents to our Uſe, or ſuch others as they ſhall appoint in that Behalf. And for the better Execution of the Premiſſes, Wee doe ſtraightly chardge and commaunde all Juſtices of Peace, Mayors, Sheriffes, Bayliffs, Conſtables, Headborrowes, Tithingmen, our Warden and Conſtable of our Cinque Ports, and all other our Officers and Miniſters,

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as well of our Admiraltyes as otherwiſe, and all other our loving Subjects to whome yt ſhall or may appertayne, that they, and every of them, at all Tyme and Tymes hereafter, and from Tyme to Tyme, uppon Sighte of our Letters-patents granted to our ſaid Agents, or of a Deputation under the Hands and Seales of our Agents, or any three of them, be ayding and aſſiſting to our ſaid Agent and Agents, and their Deputy and Deputyes, and to ſuch our Commiſſioners as ſhall be from Tyme to Tyme appointed in or about this our Service, and alſo to be from Tyme to Tyme, aiding and aſſiſting to all our Searchers, Waiters, and to all ſuch other Perſon and Perſons, as ſhall be authorized by our ſaid Agent or Agents, or by our Cuſtomers or Farmors of our Cuſtomes, for the ſearching, ſeiſing, takeing, and carryeing away of all ſuch Tobacco imported, or hereafter to be imported or uttered, or intended to be put to Sale, contrary to this our Royal Prohibition and Commaund; and if any Perſon or Perſons ſhall be found privilye or ſecretlye to oppoſe or animate any others to contradicte or withſtand them in the due Execution of this our Service and Royall Commaund, or to neglect the due Execution thereof, that then We doe by theis Preſents, ſtraightly charge and commaund all and every our ſaid Officers reſpectively, that every ſuch Perſon and Perſons ſhall be apprehended and broughte before our Treaſorer, Chauncellor of our Exchequer, or before any the Lords or others of our Privy Councell, or before our Chiefe Baron, or ſome other Barons of our Exchequer for the Tyme being, to receive ſuch Order for condigne Puniſhement, to be inflicted upon them according to their Demerits, as ſhall be fitte.

Witnes our ſelfe, at *Theobalds*, the ſecond day of Marche.

PER IPSUM REGEM.

De COMMISSIONE *directa* GEORGIO YARDELEY, *Militi, et Aliis.*

[Rymer, Vol. XVIII. p. 311. A. D. 1625.]

CHARLES, by the Grace of God, &c. To our truſty and well beloved Sir *George Yardeley*, Knight, *Francis Weſt*, Eſquire, *John Harvey*, Eſquire, *George Sandis*, Eſquire, *John Pott*, Doctor of Phiſick, *Roger Smith*, Eſquire, *Ralph Hamor*, Eſquire, *Samuell Matthews*, Eſquire, *Abraham Percey*, Eſquire, *William Clayborne*, Eſquire, *William Tucker*, Eſquire, *Jabez Whitacres*, Eſquire, *Edward Blaney*, Eſquire, and *William Farrar*, Eſquire, Greeting. Whereas our late Royall Father, *Kinge James*, of happie memory, deceaſed, by his Commiſſion under

his Greate Seale of *England*, bearinge Date the *Six and Twentith Day of Auguſt*, in the *Two and Twentith Yeare of his Raigne* of *England*, *Fraunce*, *and Ireland*, and of *Scotland* the *Eight and Fiftith*, for the better ordering, manageing, and governeing of the Affaires of the *Collony and Plantation in Virginia*, and of the Perſons then there inhabiting, and that thereafter ſhould be and inhabite, untill ſome other ſettled and conſtant courſe might be reſolved of and eſtabliſhed by himſelfe, did nominate and aſſigne Sir *Francis Wyatt*, Knight, to be the then preſent Governour, and him and you the ſaid Sir *George Yardeley*, *Francis Weſt*, and divers others in the ſaid Commiſſion particularly mentioned, to be the then preſent Councell, of and for the ſaid *Collony and Plantation in Virginia*, with divers Priviledges and Authorities in the ſaid Commiſſion expreſſed and ſett downe, as in and by the ſame may more at large appeare: And whereas our ſaid late Royall Father, upon Information that *George Wyatt*, Eſquire, Father of the ſaid Sir *Francis Wyatt*, was then lately deceaſed in the Realme of *Ireland*, by Reaſon whereof, happily the ſaid Sir *Francis Wyatt* might deſire to retorne into *England* about his owne private Occaſions, which our ſaid Father (notwithſtanding the great and weighty Importance of his Affaires in that Country) was graciouſly inclined to yield unto, if himſelfe ſhould ſoe deſire, and his Occaſions ſoe require; and yet for that in the Abſence of the ſaid Sir *Francis Wyatt* (if no other Governour ſhould be appointed by him) many Inconveniencies might happen, which in a Buſineſſe of ſuch Conſequence, were neceſſary to be provided for by another Commiſſion under his Greate Seale of *England*, beareing Date the *Eighteenth Day of September*, in the ſaid *Two and Twentith Yeare of his Higneſſe Raigne of England*, *Fraunce and Ireland*, and of *Scotland* the *Eight and Fiftith*, did give and graunt to the ſaid Sir *Francis Wyatt*, free Liberty, Licence, and Authority, at his owne Will and Pleaſure when he ſhould ſoe think fitt, to retourne and take his Voyage for, towards, and into this Realme of *England*, for the Performance and Execution of his owne private Affaires; and to the End that the Service, in the firſt recyted Commiſſion expreſſed, might not in the meane time be neglected, our ſaid late Father's Will and Pleaſure was, and he did by the ſaid laſt mentioned Commiſſion nominate and appointe you the ſaid Sir *George Yardeley*, in the Abſence of the ſaid Sir *Francis Wyatt*, or upon his Death, if itt ſhould ſoe hāppen, to be the then preſent Governour, and you the ſaid *Francis Weſt*, and the reſt in the ſaid former Commiſſion mentioned to be the then preſent Councill of and for the ſaid Collony and Plantation in *Virginia*; Giveing, and by the ſaid later Commiſſion, graunting unto you and them, and the greater Nomber of you and them reſpectively, full Power and Authority to performe and execute the Places, Powers, and Authorities incident to a Governour and Councell in *Virginia*, reſpectively, according to the Tenor, Effect, and true Meaning of the ſaid former recyted Commiſſion in that Behalf to them and you directed, together with divers other Priviledges and Authorities in the ſaid laſt mentioned Commiſſion expreſſed, as in

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and by the ſame may more at large appeare: Nowe Knowe yee that Wee, takeing into our princely Conſideration, the Care and Providence of our ſaid late Royall Father, haveing Reſpect to the good of that Plantation ſoe happily begun, which Wee conceive to be a Buſineſſe of that Conſequence which Wee ought to incourage, and by all good Meanes to bring to Perfection, Wee being forced by many other urgent Occaſions (in Reſpect of our late Acceſſe unto the Crowne) to contynue the ſame Meanes that was formerly thought fitt for the Maintenance of the ſaid Collony and Plantation, untill Wee ſhould finde ſome more convenyent Meanes upon mature Advice, to give more ample Directions for the ſame, and repoſing aſſured Truſte and Confidence in the Underſtanding, Care, Fidelitie, Experience, and Circumſpection of you the ſaid Sir *George Yardeley*, *Francis Weſt*, *John Hervey*, *George Sandys*, *John Pott*, *Roger Smith*, *Ralph Hamor*, *Samuell Matthews*, *Abraham Percey*, *William Clayborne*, *William Tucker*, *Jabes Whitacres*, *Edward Blaney*, and *William Farrar*, have nominated and aſſigned, and by theſe Preſents doe nominate and aſſigne you the ſaid Sir *George Yardeley*, to be the preſent Governour, and you the ſaid *John Harvey*, and the reſt beforementioned to be the preſent Councell of and for the ſaid *Collony and Plantation in Virginia*, giveing, and by theſe Preſents granting unto you, and the greater Nomber of you reſpectively, full Power and authority to performe and execute the Places, Powers, and Authorities incident to a Governour and Councell of *Virginia* reſpectively; and to direct and governe, correct and puniſh our Subjects now inhabiting, or being, or which hereafter ſhall inhabite or be in *Virginia*, or in any the Iſles, Ports, Havens, Creeks, or Territories thereof, eyther in tyme of Peace or Warr; and to order and direct the Affaires touching or concerneing that Collony or Plantation in thoſe forreigne parts only; and to execute and performe all and every other Matters and Things concerneing that Plantation, as fully and amply as any Governour and Councell reſident there, at anie time within the Space of Five Years now laſt paſt, had or might performe or execute: And becauſe by the Diſcoverie of induſtrious and well experienced Men, the Lymitts and Bounds of the ſaid Plantation may be augmented, and the Trade and Commerce for the Maintenance of the Inhabitants there from Tyme to Tyme reſideing, much advaunced, our Will and Pleaſure is, and Wee doe by theſe Preſents give and graunt unto you the ſaid Sir *George Yardley*, and the reſt of you heerein before mentioned, or any fower or more of you, (whereof the Governour for the Time being, Wee will ſhalbe alwayes one) full Power and Authoritie to graunte one or more Commiſſion or Commiſſions, unto any our ſubjects thereunto addreſſing themſelves, for the diſcovering of the ſaid Countrey and Ports, Bounds, Lymitts, and Extents thereof, and alſoe for the finding out what Trades ſhall be moſt neceſſary to be undertaken for the Benefitt and Advantage of the ſaid Collony and Plantation, and the Good of the People inhabiting, or which ſhall inhabite there, both by Sea and Land, and further upon all

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Occaſions as you, or any fower or more of you, (whereof the Governour for the Time being to be alwayes one) ſhall ſee fitt to ſend out Forces for the ſubdueing of the *Indians* and *Savages* of the ſaid Countrey, and likewiſe to make Warr and Peace with them in all ſuch Caſes as may ſtand with the Safety of the ſaid Collony and our Honour, keeping alwaies ſufficient Forces for the holding of the Places there now enjoyed: And yf itt ſhould happen the ſaid Sir *George Yardely* to dye, then our Will and Pleaſure is, and Wee doe by theſe Preſents nominate and aſſigne you, the ſaid *John Harvey*, upon the Death of the ſaid Sir *George Yardely*, to be our preſent Governour, and you the ſaid *Francis Weſt*, and the reſt of our ſaid Commiſſioners to be our preſent Councell for the ſaid Collony and Plantation in *Virginia*; giveing and graunting unto you, or the greater Number of you reſpectively, full Power and Authority to execute the Places, Powers, and Authorities of a Governour and Councell in *Virginia* reſpectively, as aforeſaid; and if it ſhall happen the ſaid *John Harvey* likewiſe to dye, or in caſe the ſaid Sir *George Yardely*, his urgent Occaſions (allowed by fower or more of our ſaid couucell there) ſhall call him thence att anie Time, then our Will and Pleaſure is, and Wee doe hereby give and graunt unto you the ſaid *Francis Weſt*, and the reſt of the Commiſſioners before named, or the greater Nomber of you, full Power and Authoritie, in the Abſence of the ſaid *John Harvey*, to electe, nominate, and aſſigne one of our Councell aforeſaid, to be the preſent Governor for the Collony and Plantation in *Virginia*, and ſoe to doe from Tyme to Tyme, as often as the Caſe ſhall ſoe require: And Wee doe, by theſe Preſents, nominate and aſſigne ſuch perſon by you, or the greater Nomber of you, ſoe from Tyme to Tyme to be elected and choſen, to be the preſent Governour, and you, the reſt of our ſaid Commiſſioners, to be our preſent Councell for the ſaid Collony and Plantation of *Virginia*; giving, and by theſe Preſents graunting unto you, and the greater Nomber of you reſpectively, full Power and Authority to execute and performe the Places, Powers and Authorities of a Governour and Councell for *Virginia* reſpectively, in Manner and Form aforeſaid: Nevertheleſs, our Will and Pleaſure is, that yee and every of you, proceed herein according to ſuch Inſtructions as are in theſe Preſents conteyned, or as yee or ſuch of you as have been heretofore of our Councell there have received, or according to ſuch inſtructions as you ſhall hereafter receive from Us, or our Commiſſioners here, to that purpoſe appoynted or to be appoynted: And our further Will and pleaſure is, and We doe hereby give full Power and Authority unto, and doe will and commaund, that you the ſaid Sir *George Yardely* and *John Harvey*, or either of you (who have already bene of the Councell in thoſe Parts for the Plantation there, and have alreadie taken your Oathes before our Privy councell in *England*) ſhall adminiſter unto the ſaid *Francis Weſt*, *John Pott*, *William Tucker*, *Jabes Whitacres*, *Edward Blaney*, and *William Farrow*, and every of them, the like Oath upon the Holy Evan-

 geliſt,

geliſt, as yee, or either of you, have alreadie taken as Councellor of or for the ſaid Collony or Plantation; willing and requiring you to be diligent and attendant in the Execution of this our ſervice and commaundment; and alſoe willing and commaunding all other our loveing Subjects there to be directed and governed by you, or the greater nomber of you, in all Things according to th'Intention and true Meaning of theſe Preſents. And foraſmuch as the Affaires of State of the ſaid Collony and Plantation, may neceſſarily require ſome Perſon of Quality and truſt to be employed as Secretarie, for the writeing and anſwering of ſuch Letters as ſhall be from tyme to tyme directed to, or ſent from the ſaid Governour and Councell of the Collony aforeſaide; our Will and Pleaſure is, and Wee doe by theſe Preſents nominate and affigne you the ſaid *William Clayborne*, to be our Secretarie of Sate, of and for the ſaid Collony and Plantation of *Virginia*, reſideing in thoſe parts; giveing, and by theſe Preſents graunting unto you, the ſaid *William Clayborne*, full Power and Authoritie to doe, execute, and performe all and everie Thing and Things whatſoever, to the ſaid Office of Secretarie of Sate, of and for the ſaid Collony and Plantation of *Virginia*, incident and appertaineing. And, *laſtly*, Our Will and pleaſure is, that this our Commiſſion ſhall contynue in Force untill ſuch tyme as Wee, by ſome other Writing under Signett, Privie Seale, or Greate Seale of *England*, ſhall ſignifie our Pleaſure to the contrarie.

In Witnes whereof, &c.

Witnes our ſelfe at *Weſtminſter*, the Fourth Day of March.

PER IPSUM REGEM.

De Conceſſione Commiſſionis Specialis pro Concilio in Virginia.

[Rymer, Vol. XVIII. P. 980. A. D, 1627.]

CHARLES, by the Grace of God, &c. To our truſty and welbeloved, *John Harvey*, Eſquire, *Frauncis Weſt*, Eſquire, *George Sandys*, Eſquire, *John Pott*, Doctor of Phyſicke, *Roger Smyth*, Eſquire, *Ralph Hamor*, Eſquire, *Samuel Matthewes*, Eſquire, *Abraham Pearcye*, Eſquire, *William Cleyborne*, Eſquire, *William Tucker*,

Tucker, Eſquire, *Jabes Whitacres*, Eſquire, *Edward Blaney*, Eſquire, *William Farrar*, Eſquire, Greeting. Whereas, our late Deere and Royall Father, King *James*, of happye Memory, deceaſed, by his Commiſſion under his Greate Seale of *England*, beareing Date the *ſix and twentieth Day of Auguſt*, in the twoe and twentieth Yeare of his Raigne of *England*, *Fraunce*, and *Ireland*, and of *Scotland* the eight and fiftieth, for the better ordering, managing, and governing of the Affayres of the Colony and Plantation in *Virginia*, and of the Perſons then and there inhabiting, and that thereafter ſhould be and inhabitt here, untill ſome conſtant and ſettled Courſe might be reſolved of and eſtabliſhed by himſelfe, did nominate and aſſigne Sir *Francis Wyatt*, Knight, to be the then preſent *Governor*, and him and Sir *George Yardley*, Knight, and you the ſaid *Francis Weſt*, and divers others in the ſaid Commiſſion particulerly named, to be the preſent Councell of and for the ſaid Collonye and Plantation in *Virginia*, with divers Priviledges and Authorities in the ſaid Commiſſion expreſſed and ſett downe, as in and by the ſame may more at large appeere: And whereas, our ſaid late Royall Father, uppon information that *George Wyatt*, Eſquire, Father of the ſaid Sir *Frauncis Wyatt*, was then lately deceaſed in the Realme of *Ireland*, by Occaſion whereof happily the ſaid Sir *Francis Wyatt*, might deſire to retorne into *England* about his owne private Occaſions, which our ſaid Father, notwithſtanding the greate and weighty Importance of his Affayres in that Countrey, was graciouſly inclyned to yeald unto, if himſelfe ſhould ſoe deſire, and his Occaſions ſhould ſoe require; and yet for that, in the Abſence of the ſaid Sir *Frauncis Wyatt*, (if noe other Governor ſhould be appoynted by him) many Inconveniencies might happen, which in a Buſines of ſuch Conſequence weare neceſſary to be provided for, by another Commiſſion under his Greate Seale of *England*, bearing Date the *eighteenth Day of September*, in the ſaid *twoe and twentieth Yeare of his Highnes Raigne* of *England*, *Fraunce*, and *Ireland*, and of *Scotland* the *eight and fiftieth*, did give and graunt unto the ſaid Sir *Frauncis Wyatt*, free Libertye, Licence and Authority, at his own Will and Pleaſure when he ſhould ſoe thinke fitt, to retorne and take his Voyage for, towards, and into this Realme of *England*, for the Performance and Execution of his own private Affayrs: And to the End that the Service in the firſt recited Commiſſion expreſſed, might not in the meane Tyme be neglected, our ſaid late Father's Will and Pleaſure was, and he did by the ſaid laſt-mentioned Commiſſion, nominate and appoynt Sir *George Yardley*, Knight, (ſithence deceaſed) in the Abſence of the ſaid Sir *Frauncis Wyatt*, or uppon his Death, (if it ſhould ſo happen) to be the then preſent Governor, and you the ſaid *Frauncis Weſt*, and the reſt in the ſaid former Commiſſion mentioned, to be the then preſent Councell, of and for the ſaid Collony and Plantation in *Virginia*; giveing, and by the ſaid latter Commiſſion, graunting unto you and them, and the greater Nomber of you and them reſpectively, full Power and Authority to performe

and execute the Places, Powers, and Authorityes incident to a Governor and Councell in *Virginia* reſpectively, according to the Tenor, Effecte, and true Meaning of the ſaid former recited Commiſſion in that Behalfe, to them and you directed, together with divers other Priviledges and Authorities in the ſaid laſt mentioned Commiſſion expreſſed, as in and by the ſame may more at large appeare: And whereas, We takeing into our Princely Conſideration the Care and Providence of our ſaid late Deere and Royall Father, and haveing Reſpecte to the Good of that Plantation ſoe happily begun, which We conceived to be a Buſines of that Conſequence which We ought to encourage, and by all good Meanes to bringe to Perfection, We being forced by many other Occaſions (in Reſpecte of our then late Acceſſe to the Crowne), to continue the ſame Meanes that formerly was thought fitt for the Maintenance of the ſaid Collonye or Plantation, until We ſhould finde ſome more convenient Meanes upon mature Adviſe, to give more ample Directions for the ſame, did by our Greate Seale of *England*, bearing Date the *fourteenth Day of March, in the firſt Yeare of our Raigne*, nominate and aſſigne the ſaid Sir *George Yardley* to be the then preſent Governor, and you the ſaid *John Harvey*, and the reſt aforementioned, to be the then preſent Councell of and for the ſaid Collony and Plantation in *Virginia*, giveing and graunting by our ſaid Commiſſion, unto the ſaid Sir *George Yardley* and you, and the greater Nomber of him and you reſpectively, full Power and Authority, to performe and execute the Places, Powers, and Authorities incident to a Governor and Councell of *Virginia* reſpectively: And whereas by our ſaid Commiſſion, We did declare our Will and Pleaſure to be, that if it ſhould happen the ſaid Sir *George Yardley* to dye, then We did by our ſaid Commiſſion nominate and appoynte you, the ſaid *John Harvey*, uppon the Death of the ſaid Sir *George Yardley*, to be our then preſent Governor, and you the ſaid *Frauncys Weſt* and the reſt of our Commiſſioners, to be our then preſent Councell for the ſaid Collony and Plantation in *Virginia;* giveing and graunting unto you, or the greater number of you reſpectively, full Power and Authority reſpectively, to execute the Places, Powers and Authorityes of a Governour and Councell in *Virginia* reſpectively, as aforeſaid, together with divers other Powers, Priviledges and Authorities in our ſaid Commiſſion mentioned and expreſſed, as in and by the ſame may more at large appeare: And whereas, the ſaid Sir *George Yardley* is lately deceaſed, Know ye therefore, that We, in Accompliſhment of our former Intention, expreſſed in our ſaid Commiſſion, and being willing and carefull by all good Meanes to further and advance the ſaid Plantation, and to bring the ſame to Perfection, and to continue the ſame Courſe and Meanes which was formerly thought fit for the Mayntenance and Government of the ſame Colony and Plantation, until We ſhall finde ſome more convenyent Meanes upon mature adviſe to give more ample Directions for the ſame; and repoſeing aſſured Truſt and Confidence in the Underſtanding, Care, Fidelitye

delitye, Experience and Circumſpection of you the ſaid *John Harvey*, *Frauncys Weſt*, *George Sandys*, *John Pitt*, *Roger Smyth*, *Ralph Hamer*, *Samuell Matthews*, *Abraham Pearcye*, *William Clayborne*, *William Tucker*, *Jabes Whitacres*, *Edward Blaney*, and *William Farrar*, have nomynated, and aſſigned, and by theis Preſents doe nomynate and aſſigne you, the ſaid *John Harvey* to be the preſent Governour, and you the ſaid *John Harvey*, and the reſt aforementioned, to be the preſent Councell of and for the ſaid Colonye and Plantation in *Virginia*; giveing, and by theis Preſents graunting unto you, and the greater Nomber of you reſpectively, full Power and Authority to performe and execute the Places, Powers, and Authorityes incident to a Governour and Councell of *Virginia* reſpectively, and to directe and gouverne, correcte, and puniſhe our Subjects nowe inhabiting or being, or which hereafter ſhall inhabitt or be in *Virginia*, or in the Iſles, Ports, Havens, Creeks, or Territories thereof, either in Tyme of Peace or Warre; and to order and directe the Affayres touching or concerning that Collonye or Plantation in thoſe Forreigne Partes onely, and to execute and performe all and every other Matters and Things concerning that Plantation, as fully and amplie as any Governor and Councell reſident there, at any Tyme within the Space of three Yeares nowe laſt paſt, had or might performe or execute: And becauſe, by the Diſcoverye of induſtrious and well experienced Men, the Lymitts and Bounds of the ſaid Plantation may be augmented, and the Trade and Commerce for the Mayntenaunce of the Inhabitants there from Tyme to Tyme reſideing much advanced, our Will and Pleaſure is, and Wee doe by theis Preſents give and graunte unto you the ſaid *John Harvey*, and the reſt of you herein before mentioned, or any fower or more of you, (whereof the Governor for the Tyme being to be alwayes one) full Power and Authoritye to graunt one or more Commiſſions unto any our Subjects, thereunto addreſſinge themſelves for the Diſcoverye of the ſame Countrey and Portes, Bounds, Limitts, and Extent thereof, and alſoe for the finding out what Trades ſhall be moſt neceſſary to be undertaken for the Benefitt and Advantage of the ſaid Collonye and Plantation, and the Good of the People inhabiting, or which ſhall inhabitt there, both by Sea and Land: And further, uppon all Occaſions, as you, or any foure or more of you, (whereof the Governor for the Tyme being to be alwayes one) ſhall ſee fitt to ſend out Forces for the ſubdueing of the *Indians* and *Savages* of the ſaid Countrye, and likewiſe to make Warr and Peace with them, in all ſuch Caſes as may ſtand with the Safetye of the ſaid Collonye and our Honour, keeping alwayes ſufficient Forces for the houlding of the Places there nowe injoyed; and if it ſhall happen the ſaid *John Harvey* to dye, or in caſe the ſaid *John Harvey* his urgent Occaſions (allowed by foure or more of our ſaid Councell there) ſhall call him thence at any Tyme, then our Will and Pleaſure is, and Wee doe hereby give and graunt unto you the ſaid *Francis Weſt*, and the reſt of the Commiſſioners beforenamed, or the greater Nomber

and execute the Places, Powers, and Authorityes incident to a Governor and Councell in *Virginia* reſpectively, according to the Tenor, Effecte, and true Meaning of the ſaid former recited Commiſſion in that Behalfe, to them and you directed, together with divers other Priviledges and Authorities in the ſaid laſt mentioned Commiſſion expreſſed, as in and by the ſame may more at large appeare: And whereas, We takeing into our Princely Conſideration the Care and Providence of our ſaid late Deere and Royall Father, and haveing Reſpecte to the Good of that Plantation ſoe happily begun, which We conceived to be a Buſines of that Conſequence which We ought to encourage, and by all good Meanes to bringe to Perfection, We being forced by many other Occaſions (in Reſpecte of our then late Acceſſe to the Crowne), to continue the ſame Meanes that formerly was thought fitt for the Maintenance of the ſaid Collonye or Plantation, until We ſhould finde ſome more convenient Meanes upon mature Adviſe, to give more ample Directions for the ſame, did by our Greate Seale of *England*, bearing Date the *fourteenth Day of March, in the firſt Yeare of our Raigne*, nominate and aſſigne the ſaid Sir *George Yardley* to be the then preſent Governor, and you the ſaid *John Harvey*, and the reſt aforementioned, to be the then preſent Councell of and for the ſaid Collony and Plantation in *Virginia*, giveing and graunting by our ſaid Commiſſion, unto the ſaid Sir *George Yardley* and you, and the greater Nomber of him and you reſpectively, full Power and Authority, to performe and execute the Places, Powers, and Authorities incident to a Governor and Councell of *Virginia* reſpectively: And whereas by our ſaid Commiſſion, We did declare our Will and Pleaſure to be, that if it ſhould happen the ſaid Sir *George Yardley* to dye, then We did by our ſaid Commiſſion nominate and appoynte you, the ſaid *John Harvey*, uppon the Death of the ſaid Sir *George Yardley*, to be our then preſent Governor, and you the ſaid *Frauncys Weſt* and the reſt of our Commiſſioners, to be our then preſent Councell for the ſaid Collony and Plantation in *Virginia;* giveing and graunting unto you, or the greater number of you reſpectively, full Power and Authority reſpectively, to execute the Places, Powers and Authorityes of a Governour and Councell in *Virginia* reſpectively, as aforeſaid, together with divers other Powers, Priviledges and Authorities in our ſaid Commiſſion mentioned and expreſſed, as in and by the ſame may more at large appeare: And whereas, the ſaid Sir *George Yardley* is lately deceaſed, Know ye therefore, that We, in Accompliſhment of our former Intention, expreſſed in our ſaid Commiſſion, and being willing and carefull by all good Meanes to further and advance the ſaid Plantation, and to bring the ſame to Perfection, and to continue the ſame Courſe and Meanes which was formerly thought fit for the Mayntenance and Government of the ſame Colony and Plantation, until We ſhall finde ſome more convenyent Meanes upon mature adviſe to give more ample Directions for the ſame; and repoſeing aſſured Truſt and Confidence in the Underſtanding, Care, Fidelitye

delitye, Experience and Circumſpection of you the ſaid *John Harvey*, *Frauncys Weſt*, *George Sandys*, *John Pitt*, *Roger Smyth*, *Ralph Hamer*, *Samuell Matthews*, *Abraham Pearcye*, *William Clayborne*, *William Tucker*, *Jabes Whitacres*, *Edward Blaney*, and *William Farrar*, have nomynated, and aſſigned, and by theis Preſents doe nomynate and aſſigne you, the ſaid *John Harvey* to be the preſent Governour, and you the ſaid *John Harvey*, and the reſt aforementioned, to be the preſent Councell of and for the ſaid Colonye and Plantation in *Virginia*; giveing, and by theis Preſents graunting unto you, and the greater Nomber of you reſpectively, full Power and Authority to performe and execute the Places, Powers, and Authorityes incident to a Governour and Councell of *Virginia* reſpectively, and to directe and gouverne, correcte, and puniſhe our Subjects nowe inhabiting or being, or which hereafter ſhall inhabitt or be in *Virginia*, or in the Iſles, Ports, Havens, Creeks, or Territories thereof, either in Tyme of Peace or Warre; and to order and directe the Affayres touching or concerning that Collonye or Plantation in thoſe Forreigne Partes onely, and to execute and performe all and every other Matters and Things concerning that Plantation, as fully and amplie as any Governor and Councell reſident there, at any Tyme within the Space of three Yeares nowe laſt paſt, had or might performe or execute: And becauſe, by the Diſcoverye of induſtrious and well experienced Men, the Lymitts and Bounds of the ſaid Plantation may be augmented, and the Trade and Commerce for the Mayntenaunce of the Inhabitants there from Tyme to Tyme reſideing much advanced, our Will and Pleaſure is, and Wee doe by theis Preſents give and graunte unto you the ſaid *John Harvey*, and the reſt of you herein before mentioned, or any fower or more of you, (whereof the Governor for the Tyme being to be alwayes one) full Power and Authoritye to graunt one or more Commiſſions unto any our Subjects, thereunto addreſſinge themſelves for the Diſcoverye of the ſame Countrey and Portes, Bounds, Limitts, and Extent thereof, and alſoe for the finding out what Trades ſhall be moſt neceſſary to be undertaken for the Benefitt and Advantage of the ſaid Collonye and Plantation, and the Good of the People inhabiting, or which ſhall inhabitt there, both by Sea and Land: And further, uppon all Occaſions, as you, or any foure or more of you, (whereof the Governor for the Tyme being to be alwayes one) ſhall ſee fitt to ſend out Forces for the ſubdueing of the *Indians* and *Savages* of the ſaid Countrye, and likewiſe to make Warr and Peace with them, in all ſuch Caſes as may ſtand with the Safetye of the ſaid Collonye and our Honour, keeping alwayes ſufficient Forces for the houlding of the Places there nowe injoyed; and if it ſhall happen the ſaid *John Harvey* to dye, or in caſe the ſaid *John Harvey* his urgent Occaſions (allowed by foure or more of our ſaid Councell there) ſhall call him thence at any Tyme, then our Will and Pleaſure is, and Wee doe hereby give and graunt unto you the ſaid *Francis Weſt*, and the reſt of the Commiſſioners beforenamed, or the greater Nomber

ber of you, full Power and Authority, upon the Death, or in the Abſence of the ſaid *John Harvey*, to electe, nominate, and aſſigne one of our Councell aforeſaid, to be the preſent Governour for the ſaid Collonye and Plantation in *Virginia*, and ſoe to doe from Tyme to Tyme as often as the Caſe ſhall ſoe require: And We doe by theis Preſents nominate and aſſigne ſuch Perſon by you, or the greater Nomber of you, from Tyme to Tyme to be elected and choſen, to be the preſente Governour, and you, the reſt of our ſaid Commiſſioners, to be our preſent Councell for the ſaid Collonye and Plantation for *Virginia;* giveing, and by theis Preſents graunting unto you, and the greater Nomber of you reſpectively, full Power and Authoritye, to execute and performe the Places, Powers, and Authorities of a Governor and Councell for *Virginia* reſpectively, in Manner and Forme aforeſaid: Nevertheles our Will and Pleaſure is, that ye and everye of you, proceede herein according to the Inſtructions as are in theis Preſents conteyned, or as ye, or ſuch of you as have bene heretofore of our Councell there have received, or according to ſuch Inſtructions as you ſhall hereafter receive from Us, or the Lords and others of our Privye Councell here: Provided alwayes, and our expreſſe Will, Pleaſure, and Commaundment is, and Wee doe hereby give full Power and Authoritye unto you the ſaid *John Harvey*, and ſuch other Perſon as ſhalbe Governor there for the Tyme being, according to the true Meaneing of theis Preſents, and our Intention and Meaning before herein declared, that uppon the Death or Diſcontinuance of any of our Councell there, you the ſaid *John Harvey*, and ſuch other Perſon as ſhalbe Governor there for the Tyme being, ſhall electe, nominate, and appoynt ſuch other ſufficient, able, and diſcreete Perſon or Perſons in the Roome or Place of him or them ſoe dyeing or diſcontinueing, dureing the Continuance of this our preſent Commiſſion; and that you ſhall from Tyme to Tyme retorne and certifye the Names and Qualityes of ſuch Perſon or Perſons, ſoe by you to be nominated and appoynted in the Place and Roome of ſuch of the Councell there ſoe dyeing or diſcontinueing as aforeſaid, unto our Lords and others of our Privye Councell heere, to the End that ſuch Perſon or Perſons ſoe to be by you nominated and appoynted in Manner aforeſaid, may receive full Approbation and Allowance of ſuch their Election and Choyce in the Roome and Place of ſuch our Councell there, as ſhall eyther dye or diſcontinue as is aforeſaid. And our further Will and Pleaſure is, and Wee doe hereby give full Power and Authority unto, and doe alſoe will, require, and commaund, that you the ſaid *John Harvey* and *Frauncis Weſt*, or eyther of you, whoe have already bene of the Councell in thoſe Parts for the Plantation there, and have already taken your Oathes before our Privy Councell in *England*, ſhall adminiſter unto the ſaid *George Sandys*, *John Pott*, *Roger Smyth*, *Ralph Hamer*, *Samuell Matthewes*, *Abraham Percye*, *William Cleyborne*, *William Tucker*, *Jabes Whittacres*, *Edward Blaney*, *William Farrar*, and every of them, the like Oath upon the

the Holy Evangeliſt, as ye or either of you have already taken as Councellor of or for the ſaid Collony or Plantation: Willing and requireing you to be diligent and attendant in the Execution of this our Service and Commaundement; and alſoe requireing all other our loving Subjects there to be directed and governed by you, or the greater Nomber of you, in all Things according to the Intention and true Meaning of theis Preſents. And foraſmuch as the Affayres of State of the ſaid Collonye and Plantation, may neceſſarilye require ſome Perſon of Truſt and Qualitie to be imployed as Secretary, for the writeing and anſweareing of ſuch Letters as ſhalbe from Tyme to Tyme directed to, or ſent from the ſaid Governour and Councell of the Collony aforeſaid, our Will and Pleaſure is, and We doe by theis Preſents nominate and aſſigne you the ſaid *William Cleyborne*, to be our Secretary of State for the ſaid Collony and Plantation of *Virginia*, reſideing in thoſe Parts; giveing and by theſe Preſents graunting unto you the ſaid *William Cleyborne*, full Power and Authoritye to doe, execute, and performe all and every Thinge and Thinges to the ſaid Office of Secretary of State, of and for the ſaid Collony and Plantation of *Virginia*, incident and apperteyneing: And, laſtly, our Will and Pleaſure is, that this our Commiſſion ſhall continue in Force untill ſuch Tyme as We, by ſome other Writeing under our Signett, Privy Seale, or Greate Seale of *England*, ſhall ſignifye our Pleaſure to the contrary.

In Witnes whereof, &c.

Witnes our ſelf at *Weſtminſter*, the *ſix and twentieth Day of Marche*.

Per Breve de Privato Sigillo.

CHARTER *of* MASSACHUSETTS BAY.

[Original.]

CHARLES, BY THE GRACE OF GOD, King of England, Scotland, Fraunce, and Ireland, Defendor of the Fayth, &c. To ALL to whome theis Preſents ſhall come Greetinge. WHEREAS, our moſt Deare and Royall Father, King James, of bleſſed Memory, by his Highnes Letters-patents bearing Date at Weſtminſter the third Day of November, in the eighteenth Yeare of his Raigne, HATH given and graunted vnto the Councell eſtabliſhed at Plymouth, in the County of Devon, for the planting, ruling, ordering, and governing of Newe England

in America, and to their Succeſſors and Aſſignes for ever, all that Parte of America, lyeing and being in Bredth, from Forty Degrees of Northerly Latitude from the Equinoctiall Lyne, to forty-eight Degrees of the ſaide Northerly Latitude incluſively, and in Length, of and within all the Bredth aforeſaid, thoughout the Maine Landes from Sea to Sea; together alſo with all the Firme Landes, Soyles, Groundes, Havens, Portes, Rivers, Waters, Fiſhing, Mynes, and Myneralls, as well Royall Mynes of Gould and Silver, as other Mynes and Mineralls, precious Stones, Quarries, and all and ſingular other Comodities, Juriſdiccons, Royalties, Priviledges, Franchefies, and Prehemynences, both within the ſaid Tract of Land vpon the Mayne, and alſo within the Iſlandes and Seas adioyning: PROVIDED alwayes, That the ſaide Iſlandes, [illegible]ny the Premiſſes by the ſaid Letters-patents intended and meant to be graunted, were not then actualie poſſeſſed or inhabited, by any other Chriſtian Prince or State, nor within the Boundes, Lymitts, or Territories of the Southerne Colony, then before graunted by our ſaide Deare Father, to be planted by divers of his loveing Subjects in the South Partes. TO HAVE and to houlde, poſſeſſe and enjoy all and ſingular the aforeſaid Continent, Landes, Territories, Iſlandes, Hereditaments, and Precincts, Seas, Waters, Fiſhings, with all, and all Manner their Comodities, Royalties, Liberties, Prehemynences, and Proffitts that ſhould from thenceforth ariſe from thence, with all and ſinguler their Appurtenances, and every Parte and Parcell thereof, vnto the ſaide Councell and their Succeſſors and Aſſignes for ever, to the ſole and proper Vſe, Benefitte, and Behoofe of them the ſaide Councell, and their Succeſſors and Aſſignes for ever: To be houlden of our ſaide moſt Deare and Royall Father, his Heires and Succeſſors, as of his Mannor of Eaſt-Greenewich in the County of Kent, in free and comon Soccage, and not in Capite nor by Knight's Service: YEILDINGE and paying therefore to the ſaide late Kinge, his Heires and Succeſſors, the fifte Parte of the Oare of Gould and Silver, which ſhould from tyme to tyme, and at all Tymes then after happen to be found, gotten, had, and obteyned in, att, or within any of the ſaide Landes, Lymitts, Territories, and Precincts, or in or within any Parte or Parcell thereof, for or in Reſpect of all and all Manner of Duties, Demaundes and Services whatſoever, to be don, made, or paide to our ſaide Deare Father the late Kinge, his Heires and Succeſſors, as in and by the ſaide Letters-patents (amongeſt ſundrie other Clauſes, Powers, Priviledges, and Grauntes therein conteyned, more at large appeareth: AND WHEREAS, the ſaide Councell eſtabliſhed at Plymouth, in the County of Devon, for the plantinge, ruling, ordering, and governing of Newe England in America, have by their Deede, indented vnder their Comon Seale, bearing Date the nynteenth Day of March laſt paſt, in the third Yeare of our Raigne, given, graunted, bargained, ſoulde, enfeoffed, aliened, and confirmed to Sir Henry Roſewell,

Sir John Young, Knightes, Thomas Southcott, John Humphrey, John Endecott, and Symon Whetcombe, their Heires and Aſſignes, and Aſſociats for ever, all that Parte of Newe England in America aforeſaid, which lyes and extendes betweene a greate River there, comonlie called Monomack, alias Merriemack, and a certen other River there, called Charles River, being in the Bottome of a certayne Bay there, comonlie called Maſſachuſetts, alias Mattachuſetts, alias Maſſatuſetts Bay, and alſo all and ſingular thoſe Landes and Hereditaments whatſoever, lyeing within the Space of three Engliſh Myles on the South Parte of the ſaide Charles River, or of any, or everie Parte thereof; and alſo, all and ſinguler the Landes and Hereditaments whatſoever, lyeing and being within the Space of three Engliſh Myles to the Southwarde of the Southermoſt Parte of the ſaide Bay called Maſſachuſetts, alias Mattachuſetts, alias Maſſatuſetts Bay; and alſo, all thoſe Landes and Hereditaments whatſoever, which lye, and be within the Space of three Engliſh Myles to the Northward of the ſaide River called Monomack, alias Merrymack, or to the Northward of any and every Parte thereof, and all Landes and Hereditaments whatſoever, lyeing within the Lymitts aforeſaide, North and South in Latitude and bredth, and in Length and Longitude, of and within all the Bredth aforeſaide, throughout the Mayne Landes there, from the Atlantick and Weſterne Sea and Ocean on the Eaſt Parte, to the South Sea on the Weſt Parte; and all the Landes and Groundes, Place and Places, Soyles, Woodes and Wood Groundes, Havens, Portes, Rivers, Waters, Fiſhings, and Hereditaments whatſoever, lyeing within the ſaid Boundes and Lymytts, and everie Parte aud Parcell thereof; and alſo, all Iſlandes lyeing in America aforeſaide, in the ſaide Sēas or either of them on the Weſterne or Eaſterne Coaſtes or Partes of the ſaide Tractes of Lande, by the ſaide Indenture mencōed to be given, graunted, bargained, ſould, enfeoffed, aliened, and confirmed, or any of them; and alſo, all Mynes and Myneralls, as well Royall Mynes of Gould and Silver, as other Mynes and Mineralls whatſoeuer, in the ſaide Lands and Premiſſes, or any Parte thereof; and all Juriſdiccons, Rights, Royalties, Liberties, Freedomes, Ymmunities, Priviledges, Franchiſes, Preheminences, and Comodities whatſoever, which they, the ſaid Councell eſtabliſhed at Plymouth, in the County of Devon, for the planting, ruling, ordering, and governing of Newe England in America, then had, or might vſe, exerciſe, or enioy, in or within the ſaide Landes and Premiſſes by the ſaide Indenture mencōed to be given, graunted, bargained, ſould, enfeoffed, and confirmed, or in, or within any Parte or Parcell thereof: To HAVE and to hould, the ſaide Parte of Newe England in America, which lyes and extendes and is abutted as aforeſaide, and every Parte and Parcell thereof; and all the ſaide Iſlandes, Rivers, Portes, Havens, Waters, Fiſhings, Mynes, Myneralls, Juriſdiccons, Franchiſes, Royalties, Liberties, Priviledges, Comodities, Hereditaments, and Premiſſes whatſoever, with the Appurtenances vnto

the ſaide Sir Henry Roſewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Simon Whetcombe, their Heires and Aſſignes, and their Aſſociats, to the onlie proper and abſolute vſe and Behoofe of the ſaid Sir Henry Roſewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Symon Whettcombe, their Heires and Aſſignes, and their Aſſociatts for evermore; To BE HOULDEN of Vs, our Heires and Succeſſors, as of our Mannor of Eaſt-Greenwich, in the County of Kent, in free and comon Soccage, and not in Capite, nor by Knightes Service; YEILDING and payeing therefore vnto Vs, our Heires and Succeſſors, the fifte Parte of the Oare of Goulde and Silver, which ſhall from Tyme to Tyme, and at all Tymes hereafter, happen to be founde, gotten, had, and obteyned in any of the ſaide Landes, within the ſaide Lymitts, or in or within any Parte thereof, for, and in Satisfaccon of all manner Duties, Demaundes, and Services whatſoever to be donn, made, or paid toVs, our Heires or Succeſſors, as in and by the ſaid recited Indenture more at large maie appeare. NOWE Know Yee, that Wee, at the humble Suite and Peticon of the ſaide Sir Henry Roſewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Simon Whetcombe, and of others whome they have aſſociated vnto them, HAVE, for divers good Cauſes and Conſideracons, vs moveing, graunted and confirmed, and by theis Preſents of our eſpeciall Grace, certen Knowledge, and meere Mocon, doe graunt and confirme vnto the ſaide Sir Henry Roſewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Simon Whetcombe, and to their Aſſociatts hereafter named; (videlicet) Sir Richard Saltonſtall, Knight, Iſaack Johnſon, Samuel Alderſey, John Ven, Mathew Cradock, George Harwood, Increaſe Nowell, Richard Perry, Richard Bellingham, Nathaniell Wright, Samuel Vaſſall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vaſſall, William Pinchion, and George Foxcrofte, their Heires and Aſſignes, all the ſaide Parte of Newe England in America, lyeing and extending betweene the Boundes and Lymytts in the ſaid recited Indenture expreſſed, and all Landes and Groundes, Place and Places, Soyles, Woods and Wood-Groundes, Havens, Portes, Rivers, Waters, Mynes, Mineralls, Juriſdiccons, Rightes, Royalties, Liberties, Freedomes, Immunities, Priviledges, Franchiſes, Preheminences, Hereditaments, and Comodities whatſoever, to them the ſaide Sir Henry Roſewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Simon Whetcombe, theire Heires and Aſſignes, and to their Aſſociatts, by the ſaide recited Indenture, given, graunted, bargayned, ſolde, enfeoffed, aliened, and confirmed, or mencõed, or intended thereby to be given, graunted, bargayned, ſold, enfeoffed, aliened, and confirmed: To HAVE and to hould, the ſaide Parte of Newe England in America, and other the Premiſſes hereby mencõed to be graunted and confirmed, and every Parte and Parcell thereof with the Appurtenn-

ces,

ces, to the ſaide Sir Henry Roſewell, Sir John Younge, Sir Richard Saltonſtall, Thomas Southcott, John Humfrey, John Endecott, Simon Whetcombe, Iſaack Johnſon, Richard Pery, Richard Bellingham, Nathaniell Wright, Samuell Vaſſall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, Samuel Alderſey, John Ven, Mathewe Cradock, George Harwood, Increaſe Nowell, William Vaſſall, William Pinchion, and George Foxcrofte, their Heires and Aſſignes forever, to theire onlie proper and abſolute Vſe and Behoofe for evermore; To be holden of Us, our Heires and Succeſſors, as of our Manor of Eaſt-Greenewich aforeſaid, in free and comon Soccage, and not in Capite, nor by Knights Service; AND ALSO YIELDING and paying therefore to Vs, our Heires and Succeſſors, the fifte parte onlie of all Oare of Gould and Silver, which from tyme to tyme, and att all tymes hereafter ſhalbe there gotten, had, or obteyned, for all Services, Exaccons and Demaundes whatſoever, according to the Tenure and Reſervacon in the ſaid recited Indenture expreſſed. AND FURTHER, knowe yee, that of our more eſpeciall Grace, certen Knowledg, and meere mocon, Wee have given and graunted, and by theis Preſents, doe for Vs, our Heires and Succeſſors, give and graunte vnto the ſaide Sir Henry Roſewell, Sir John Younge, Sir Richard Saltonſtall, Thomas Southcott, John Humfrey, John Endecott, Symon Whetcombe, Iſaack Johnſon, Samuell Alderſey, John Ven, Mathewe Cradock, George Harwood, Increaſe Nowell, Richard Pery, Richard Bellingham, Nathaniel Wright, Samuell Vaſſall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vaſſall, William Pinchion, and George Foxcrofte, their Heires and Aſſignes, all that Parte of Newe-England in America, which lyes and extendes betweene a greate River there, comonlie called Monomack River, alias Merrimack River, and a certen other River there, called Charles River, being in the Bottome of a certen Bay there, comonlie called Maſſachuſetts, alias Mattachuſetts, alias Maſſatuſſetts Bay; and alſo all and ſinguler thoſe Landes and Hereditaments whatſoever, lying within the Space of Three Engliſhe Myles on the South Parte of the ſaide River, called Charles River, or of any or every Parte thereof; and alſo all and ſinguler the Landes and Hereditaments whatſoever, lying and being within the Space of Three Engliſhe Miles to the ſouthward of the ſouthermoſt Parte of the ſaid Baye, called Maſſachuſetts, alias Mattachuſetts, alias Maſſatuſetts Bay: And alſo all thoſe Landes and Hereditaments whatſoever, which lye and be within the Space of Three Engliſh Myles to the Northward of the ſaide River, called Monomack, alias Merrimack, or to the Northward of any and every Parte thereof, and all Landes and Hereditaments whatſoever, lying within the Lymitts aforeſaide, North and South in Latitude and Bredth, and in Length and Longitude, of and within all the Bredth aforeſaide, throughout the mayne Landes there, from the Atlantick and Weſterne Sea and Ocean on the Eaſt Parte, to the South Sea on the Weſt Parte;

and all Landes and Groundes, Place and Places, Soyles, Woodes, and Wood-Groundes, Havens, Ports, Rivers, Waters, and Hereditaments whatſoever, lyeing within the ſaid Boundes and Lymytts, and every Parte and Parcell thereof; and alſo all Iſlandes in America aforeſaide, in the ſaide Seas, or either of them, on the Weſterne or Eaſterne Coaſtes, or Partes of the ſaide Tract of Landes hereby mencõed to be given and graunted, or any of them; and all Mynes and Mynerals whatſoever, in the ſaid Landes or Premiſſes, or any parte thereof, and free Libertie of fiſhing in or within any the Rivers or Waters within the Boundes and Lymytts aforeſaid, and the Seas thereunto adioyning; and all Fiſhes, Royal Fiſhes, Whales, Balan, Sturgions, and other Fiſhes of what Kinde or Nature ſoever, that ſhall at any time hereafter be taken in or within the ſaide Seas or Waters, or any of them, by the ſaide Sir Henry Roſewell, Sir John Younge, Sir Richard Saltonſtall, Thomas Southcott, John Humfrey, John Endecott, Simon Whetcombe, Iſaack Johnſon, Samuell Alderſey, John Ven, Mathewe Cradock, George Harwood, Increaſe Noell, Richard Pery, Richard Bellingham, Nathaniell Wright, Samuell Vaſſall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vaſſall, William Pinchion, and George Foxcrofte, their Heires or Aſſignes, or by any other perſon or perſons whatſoever there inhabiting by them, or any of them, to be appointed to fiſhe therein. PROVIDED alwayes, That yf the ſaid Landes, Iſlandes, or any other the Premiſſes herein before mentioned, and by theis preſents, intended and meant to be graunted, were at the tyme of the graunting of the ſaide former Letters-patents, dated the Third Day of November, in the Eighteenth Yeare of our ſaid deare Father's Raigne aforeſaide, actually poſſeſſed or inhabited by any other Chriſtian Prince or State, or were within the Boundes, Lymytts or Territories of that Southerne Colony, then before graunted by our ſaid late Father, to be planted by divers of his loveing Subjects in the ſouth partes of America, That then this preſent Graunt ſhall not extend to any ſuch partes or parcells thereof, ſoe formerly inhabited, or lyeing within the Boundes of the Southerne Plantacon as aforeſaide, but as to thoſe partes or parcells ſoe poſſeſſed or inhabited by ſuch Chriſtian Prince or State, or being within the Boundes aforeſaide ſhal be vtterlie voyd, theis preſents or any Thinge therein conteyned to the contrarie notwithſtanding. To HAVE and to hould, poſſeſſe and enioy the ſaide partes of New-England in America, which lye, extend, and are abutted as aforeſaide, and every parte or parcell thereof; and all the Iſlandes, Rivers, Portes, Havens, Waters, Fiſhings, Fiſhes, Mynes, Mynerals, Juriſdiccions, Franchiſes, Royalties, Liberties, Priviledges, Comodities, and Premiſſes whatſoever, with the Appurtenances, unto the ſaid Sir Henry Roſewell, Sir John Younge, Sir Richard Saltonſtall, Thomas Southcott, John Humfrey, John Endecott, Simon Whetcombe, Iſaack Johnſon, Samuell Alderſey, John Ven, Mathewe Cradock, George Harwood, Increaſe Nowell,

ell, Richard Pery, Richard Bellingham, Nathaniel Wright, Samuel Vaſſall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vaſſall, William Pinchion, and George Foxcrofte, their Heires and Aſſignes forever, to the onlie proper and abſolute Vſe and Behoufe of the ſaide Sir Henry Roſewell, Sir John Younge, Sir Richard Saltonſtall, Thomas Southcott, John Humfrey, John Endecott, Simon Whetcombe, Iſaack Johnſon, Samuell Alderſey, John Ven, Mathewe Cradocke, George Harwood, Increaſe Nowell, Richard Pery, Richard Bellingham, Nathaniell Wright, Samuell Vaſſall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vaſſall, William Pinchion, and George Foxcrofte, their Heires and Aſſignes for evermore: To BE HOLDEN of Vs, our Heires and Succeſſors, as of our Manor of Eaſt-Greenwich in our Countie of Kent, within our Realme of England, in free and comon Soccage, and not in Capite, nor by Knights Service; and alſo yielding and paying therefore, to Vs, our Heires and Succeſſors, the fifte Parte onlie of all Oare of Gould and Silver, which from tyme to tyme, and at all tymes hereafter, ſhal be there gotten, had, or obteyned, for all Services, Exaccons, and Demaundes whatſoever; PROVIDED alwaies, and our expreſſe Will and Meaninge is, that onlie one fifte Parte of the Gould and Silver Oare above mencōed, in the whole, and noe more be reſerved or payable vnto Vs, our Heires and Succeſſors, by Colour or Vertue of theis Preſents, the double Reſervacons or Rentalls aforeſaid, or any Thing herein conteyned notwithſtanding. AND FORASMUCH, as the good and proſperous Succeſſe of the Plantacon of the ſaide Partes of Newe-England aforeſaide intended by the ſaid Sir Henry Roſewell, Sir John Younge, Sir Richard Saltonſtall, Thomas Southcott, John Humfrey, John Endecott, Simon Whetcombe, Iſaack Johnſon, Samuell Alderſey, John Ven, Mathew Cradock, George Harwood, Increaſe Nowell, Richard Pery, Richard Bellingham, Nathaniell Wright, Samuell Vaſſall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vaſſall, William Pinchion, and George Foxcrofte, to be ſpeedily ſett vpon, cannot but cheifly depend, next vnder the Bleſſing of Almightie God, and the ſupport of our Royall Authoritie vpon the good Government of the ſame, To the Ende that the Affaires and Buyſſineſſes which from tyme to tyme ſhall happen and ariſe concerning the ſaide Landes, and the Plantation of the ſame maie be the better mannaged and ordered, WEE HAVE FURTHER hereby of our eſpecial Grace, certain Knowlegde and mere Mocon, Given, graunted and confirmed, and for Vs, our Heires and Succeſſors, doe give, graunt, and confirme vnto our ſaid truſtie and wel beloved ſubjects Sir Henry Roſewell, Sir John Younge, Sir Richard Saltonſtall, Thomas Southcott, John Humfrey, John Endicott, Simon Whetcombe, Iſaack Johnſon, Samuel Alderſey, John Ven, Mathewe Cradock, George Harwood, Increaſe Nowell, Richard Pery, Richard Bellingham, Nathaniell Wright,

Samuel

Samuell Vaſſall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vaſſall, William Pinchion, and George Foxcrofte: AND for Vs, our Heires and Succeſſors, Wee will and ordeyne, That the ſaide Sir Henry Roſewell, Sir John Young, Sir Richard Saltonſtall, Thomas Southcott, John Humfrey, John Endecott, Symon Whetcombe, Iſaack Johnſon, Samuell Alderſey, John Ven, Mathewe Cradock, George Harwood, Increaſe Noell, Richard Pery, Richard Bellingham, Nathaniell Wright, Samuell Vaſſall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vaſſall, William Pinchion, and George Foxcrofte, and all ſuch others as ſhall hereafter be admitted and made free of the Company and Society hereafter mencõed, ſhall from tyme to tyme, and att all tymes forever hereafter be, by Virtue of theis preſents, one Body corporate and politique in Fact and Name, by the Name of the Governor and Company of the Mattachuſetts Bay in Newe-England, and them by the Name of the Governour and Company of the Mattachuſetts Bay in Newe-England, one Bodie politique and corporate, in Deede, Fact, and Name; Wee doe for Us, our Heires and Succeſſors, make, ordeyne, conſtitute, and confirme by theis Preſents, and by that Name they ſhall have perpetuall Succeſſion, and that by the ſame Name they and their Succeſſors ſhall and maie be capeable and enabled as well to implead, and to be impleaded, and to proſecute, demaund, and aunſwere, and be aunſweared vnto, in all and ſinguler Suites, Cauſes, Quarrells, and Accons, of what kinde or nature ſoever. And alſo to have, take, poſſeſſe, acquire, and purchaſe any Landes, Tenements, or Hereditaments, or any Goodes or Chattells, and the ſame to leaſe, graunt, demiſe, alien, bargaine, ſell, and diſpoſe of, as other our liege People of this our Realme of England, or any other Corporacon or Body politique of the ſame may lawfully doe. AND FURTHER, That the ſaid Governour and Companye, and their Succeſſors, maie have forever one comon Seale, to be vſed in all Cauſes and Occaſions of the ſaid Company, and the ſame Seale may alter, chaunge, breake, and newe make, from tyme to tyme at their pleaſures. And our Will and Pleaſure is, and Wee doe hereby for Vs, our Heires and Succeſſors, ordeyne and graunte, That from henceforth forever, there ſhalbe one Governor, one Deputy Governor, and eighteene Aſſiſtants of the ſame Company, to be from tyme to tyme conſtituted, elected and choſen out of the Freemen of the ſaide Company, for the tyme being, in ſuch Manner and Forme as hereafter in theis Preſents is expreſſed, which ſaid Officers ſhall applie themſelver to take Care for the beſt diſpoſeing and ordering of the generall buyſſines and Affaires of, for, and concerning the ſaid Landes and Premiſſes hereby mencõed to be graunted, and the Plantacon thereof, and the Government of the People there. AND FOR the better Execucon of our Royall Pleaſure and Graunte in this Behalf, WEE doe, by theis preſents, for Vs, our Heires and Succeſſors, nominate, ordeyne, make, and conſtitute, our welbeloved the ſaid Mathewe Cradocke,

Cradocke, to be the firſt and preſent Governor of the ſaid Company, and the ſaide Thomas Goffe, to be Deputy Governor of the ſaide Company, and the ſaide Sir Richard Saltonſtall, Iſaack Johnſon, Samuell Alderſey, John Ven, John Humfrey, John Endecott, Simon Whetcombe, Increaſe Noell, Richard Pery, Nathaniell Wright, Samuell Vaſſall, Theophilus Eaton, Thomas Adams, Thomas Hutchins, John Browne, George Foxcrofte, William Vaſſall, and William Pinchion, to be the preſent Aſſiſtants of the ſaide Company, to continue in the ſaide ſeveral Offices reſpectivelie for ſuch tyme, and in ſuch manner, as in and by theis Preſents is hereafter declared and appointed. AND FURTHER, Wee will, and by theis Preſents, for Vs, our Heires and Succeſſors, doe ordeyne and graunte, That the Governor of the ſaide Company for the tyme being, or in his Abſence by Occaſion of Sicknes or otherwiſe, the Deputie Governor for the tyme being, ſhall have Authoritie from tyme to tyme upon all Occaſions, to give order for the aſſembling of the ſaide Company, and calling them together to conſult and adviſe of the Buſſineſſes and Affaires of the ſaide Company, and that the ſaide Governor, Deputie Governor, and Aſſiſtants of the ſaide Company, for the tyme being, ſhall or maie once every Moneth, or oftener at their Pleaſures, aſſemble and houlde and keepe a Courte or Aſſemblie of themſelves, for the better ordering and directing of their Affaires, and that any ſeaven or more Perſons of the Aſſiſtants, together with the Governor, or Deputie Governor ſoe aſſembled, ſhalbe ſaide, taken, held, and reputed to be, and ſhalbe a full and ſufficient Courte or Aſſemblie of the ſaid Company, for the handling, ordering, and diſpatching of all ſuch Buyſineſſes and Occurrents as ſhall from tyme to tyme happen, touching or concerning the ſaid Company or Plantacon; and that there ſhall or maie be held and kept by the Governor, or Deputie Governor of the ſaid Company, and ſeaven or more of the ſaid Aſſiſtants for the tyme being, vpon every laſt Wedneſday in Hillary, Eaſter, Trinity, and Michas Termes reſpectivelie forever, one greate generall and ſolemne aſſemblie, which foure general aſſemblies ſhalbe ſtiled and called the four greate and generall Courts of the ſaide Company; IN all and every, or any of which ſaide greate and generall Courts ſoe aſſembled, WEE DOE for Vs, our Heirs and Succeſſors, give and graunte to the ſaid Governor and Company, and their Succeſſors, That the Governor, or in his Abſence, the Deputie Governor of the ſaide Company for the tyme being, and ſuch of the Aſſiſtants and Freemen of the ſaide Company as ſhalbe preſent, or the greater nomber of them ſo aſſembled, whereof the Governor or Deputie Governor and ſix of the Aſſiſtants at the leaſt to be ſeaven, ſhall have full Power and authoritie to chooſe, nominate, and appointe, ſuch and ſoe many others as they ſhall thinke fitt, and that ſhall be willing to accept the ſame, to be free of the ſaid Company and Body, and them into the ſame to admitt; and to elect and conſtitute ſuch Officers as they ſhall thinke fitt and requiſite, for the ordering, mannaging, and diſpatching of the Affaires of the ſaide Govenor and Company, and their Succeſſors;

And

And to make Lawes and Ordinances for the Good and Welfare of the ſaide Company, and for the Government and ordering of the ſaide Landes and Plantacon, and the People inhabiting and to inhabite the ſame, as to them from tyme to tyme ſhall be thought meete, ſoe as ſuch Lawes and Ordinances be not contrarie or repugnant to the Lawes and Statuts of this our Realme of England. AND, our Will nd Pleaſure is, and Wee doe hereby for Vs, our Heires and Succeſſors, eſtabliſh and ordeyne, That yearely, once in the Yeare, for ever hereafter, namely, the laſt Wedneſday in Eaſter Tearme, yearely, the Governor, Deputy-Governor, and Aſſiſtants of the ſaide Company and all other Officers of the ſaide Company ſhall be in the Generall Court or Aſſembly to be held for that Day or Tyme, newly choſen for the Yeare enſueing by ſuch greater Parte of the ſaid Company, for the Tyme being, then and there preſent, as is aforeſaide. AND, if it ſhall happen the preſent governor, Deputy-Governor, and aſſiſtants, by theis preſents appointed, or ſuch as ſhall hereafter be newly choſen into their Roomes, or any of them, or any other of the Officers to be appointed for the ſaid Company, to dye, or to be removed from his or their ſeverall Offices or Places before the ſaide generall Day of Eleccon (whome We doe hereby declare for any Miſdemeanor or Defect to be removeable by the Governor, Deputie-Governor, Aſſiſtants, and Company, or ſuch greater Parte of them in any of the publique Courts to be aſſembled as is aforeſaid) That then, and in every ſuch Caſe, it ſhall and maie be lawfull, to and for the Governor, Deputie-Governor, Aſſiſtants, and Company aforeſaide, or ſuch greater Parte of them ſoe to be aſſembled as is aforeſaide, in any of their Aſſemblies, to proceade to a new Eleccon of one or more others of their Company in the Roome or Place, Roomes or Places of ſuch Officer or Officers ſoe dyeing or removed according to their Diſcrecons, And, ymediately vpon and after ſuch Eleccon and Eleccons made of ſuch Governor, Deputie-Governor, Aſſiſtant or Aſſiſtants, or any other Officer of the ſaide Company, in Manner and Forme aforeſaid, the Authoritie, Office, and Power, before given to the former Governor, Deputie-Governor, or other Officer and Officers ſoe removed, in whoſe Steade and Place newe ſhall be ſoe choſen, as to him and them, and everie of them, ceaſe and determyne. PROVIDED alſo, and our Will and Pleaſure is, That as well ſuch as are by theis Preſents appointed to be the preſent Governor, Deputie-Governor, and Aſſiſtants of the ſaid Company, as thoſe that ſhall ſucceed them, and all other Officers to be appointed and choſen as aforeſaid, ſhall, before they vndertake the Execucon of their ſaide Offices and Places reſpectivelie, take their Corporal Oathes for the due and faithfull Performance of their Duties in their ſeverall Offices and Places, before ſuch Perſon or Perſons as are by theis Preſents herevnder appointed to take and receive the ſame; That is to ſaie, the ſaide Mathewe Cradock, whoe is hereby nominated and appointed the preſent Governor of the ſaide Company, ſhall take the ſaide Oathes before one or more of the Maſters of our Courte of Chaun-

cery for the Tyme being, vnto which Maſter or Maſters of the Chauncery, Wee doe by theis Preſents give full Power and Authoritie to take and adminiſter the ſaid Oathe to the ſaid Governor accordinglie: And after the ſaide Governor ſhalbe ſoe ſworne, then the ſaid Deputy-Governor and Aſſiſtants, before by theis Preſents nominated and appointed, ſhall take the ſaid ſeverall Oathes to their Offices and Places reſpectivelie belonging, before the ſaid Mathew Cradock, the preſent Governor, ſoe formerlie ſworne as aforeſaide. And every ſuch Perſon as ſhall be at the Tyme of the annuall Eleccon, or otherwiſe, vpon Death or Removall, be appointed to be the newe Governor of the ſaid Company, ſhall take the Oathes to that Place belonging, before the Deputy-Governor, or two of the Aſſiſtants of the ſaid Company at the leaſt, for the Tyme being: And the newe elected Deputie-Governor and Aſſiſtants, and all other officers to be hereafter choſen as aforeſaide from Tyme to Tyme, to take the Oathes to their places reſpectivelie belonging, before the Governor of the ſaid Company for the Tyme being, vnto which ſaid Governor, Deputie-Governor, and aſſiſtants, Wee doe by theis Preſents give full Power and Authoritie to give and adminiſter the ſaid Oathes reſpectively, according to our true Meaning herein before declared, without any Comiſſion or further Warrant to be had and obteyned of of Vs, our Heires or Succeſſors, in that Behalf. And, Wee doe further, of our eſpecial Grace, certen Knowledge, and meere mocon, for Vs, our Heires and Succeſſors, give and graunte to the ſaid Governor and Company, and their Succeſſors for ever by theis Preſents, That it ſhalbe lawfull and free for them and their Aſſignes, at all and every Tyme and Tymes hereafter, out of any our Realmes or Domynions whatſoever, to take, leade, carry, and tranſport, for and into their Voyages, and for and towardes the ſaid Plantacon in Newe England, all ſuch and ſoe many of our loving Subjects, or any other ſtrangers that will become our loving Subjects, and live under our Allegiance, as ſhall willinglie accompany them in the ſame Voyages and Plantacon; and alſo Shipping, Armour, Weapons, Ordinance, Munico, Powder, Shott, Corne, Victualls, and all Manner of Clothing, Implements, Furniture, Beaſtes, Cattle, Horſes, Mares, Marchandizes, and all other Thinges neceſſarie for the ſaide Plantacon, and for their Vſe and Defence, and for Trade with the People there, and in paſſing and returning to and fro, any Lawe or Statute to the contrarie hereof in any wiſe notwithſtanding; and without payeing or yeilding any Cuſtome or Subſidie, either inward or outward, to Vs, our Heires or Succeſſors, for the ſame, by the Space of ſeaven Yeares from the Day of the Date of theis Preſents. Provided, that none of the ſaide Perſons be ſuch as ſhalbe hereafter by eſpeciall Name reſtrayned by Vs, our Heires or Succeſſors. And, for their further Encouragement, of our eſpeciall Grace and Favor; Wee doe by theis Preſents, for Vs, our Heires and Succeſſors, yeild and graunt to the ſaide Governor and Company, and their Succeſſors, and every of them, their Factors and

Aſſignes, That they and every of them ſhalbe free and quitt from all Taxes, Subſidies, and Cuſtomes, in Newe England, for the like Space of ſeaven Yeares, and from all Taxes and Impoſicons for the Space of twenty and one Yeares, vpon all Goodes and Marchandizes at any Tyme or Tymes hereafter, either vpon Importacon thither, or Exportacon from thence into our Realme of England, or into any other our Dominions by the ſaid Governor and Company, and their Succeſſors, their Deputies, Factors, and Aſſignes, or any of them; EXCEPT onelie the five Poundes per Centum due for Cuſtome vpon all ſuch Goodes and Merchandizes as after the ſaide ſeaven Yeares ſhalbe expired, ſhalbe brought or imported into our Realme of England, or any other of our Dominions, according to the auncient Trade of Merchants, which five Poundes per Centum onlie being paide, it ſhall be thenceforth lawfull and free for the ſaid Adventurers, the ſame Goodes and Merchandizes to export and carry out of our ſaid Domynions into forraine Partes, without any Cuſtome, Tax, or other Dutie to be paid to Vs, our Heires or Succeſſors, or to any other Officers or Miniſters of Vs, our Heires and Succeſſors. PROVIDED, that the ſaid Goodes and Merchandizes be ſhipped out within thirteene Monethes, after their firſt Landing within any Parte of the ſaide Domynions. AND, Wee doe for Vs, our Heires and Succeſſors, give and graunte vnto the ſaide Governor and Company, and their Succeſſors, That whenſoever, or ſoe often as any Cuſtome or Subſidie ſhall growe due or payeable unto Vs, our Heires, or Succeſſors, according to the Lymittacon and Appointment aforeſaide, by Reaſon of any Goodes, Wares, or Merchandizes to be ſhipped out, or any Retorne to be made of any Goodes, Wares, or Merchandize vnto or from the ſaid Partes of Newe England hereby mencoed to be graunted as aforeſaide, or any the Landes or Territories aforeſaide, That then, and ſoe often, and in ſuch Caſe, the Farmers, Cuſtomers, and Officers of our Cuſtomes of England and Ireland, and every of them for the Tyme being, vpon Requeſt made to them by the ſaide Governor and Company, or their Succeſſors, Factors, or Aſſignes, and vpon convenient Security to be given in that Behalf, ſhall give and allowe vnto the ſaid Governor and Company, and their Succeſſors, and to all and everie Perſon and Perſons free of that Company, as aforeſaide, ſix Moneths Tyme for the Payment of the one halfe of all ſuch Cuſtome and Subſidy as ſhalbe due and payeable vnto Vs, our Heires and Succeſſors, for the ſame; for which theis our Letters-patents, or the Duplicate, or the Inrollement thereof, ſhall be vnto our ſaide Officers a ſufficient Warrant and Diſcharge. NEVERTHELES, our Will and Pleaſure is, That yf any of the ſaide Goodes, Wares, and Merchandize, which be, or ſhalbe at any Tyme hereafter landed or exported out of any of our Realmes aforeſaide, and ſhalbe ſhipped with a Purpoſe not to be carried to the Partes of Newe England aforeſaide, but to ſome other place, That then ſuch Payment, Dutie, Cuſtome, Impoſicon, or Forfeyture, ſhalbe payed, or belonge

longe to Vs, our Heires and Succeſſors, for the ſaide Goodes, Wares, and Merchandize, ſoe fraudulently ſought to be tranſported, as yf this our Graunte had not benn made nor graunted. AND, Wee doe further will, and by theis Preſents, for Vs, our Heires and Succeſſors, firmlie enioyne and comaunde, as well the Treaſurer, Chauncellor and Barons of the Exchequer, of Vs, our Heires and Succeſſors, as alſo all and ſingular the Cuſtomers, Farmers, and Collectors of the Cuſtomes, Subſidies, and Impoſt, and other the Officers and Miniſters of Vs, our Heires and Succeſſors whatſoever, for the Tyme being, That they and every of them, vpon the ſhewing forth vnto them of theis Letters-patents, or the Duplicate or Exemplificacon of the ſame, without any other Writt or Warrant whatſoever from Vs, our Heires or Succeſſors, to be obteyned or ſued forth, doe and ſhall make full, whole, entire, and due Allowance, and cleare Diſcharge vnto the ſaide Governor and Company, and their Succeſſors, of all Cuſtomes, Subſidies, Impoſicons, Taxes and Duties whatſoever, that ſhall or maie be claymed by Vs, our Heires and Succeſſors, of or from the ſaid Governor and Company, and their Succeſſors, for or by Reaſon of the ſaid Goodes, Chattels, Wares, Merchandizes, and Premiſſes to be exported out of our ſaide Domynions, or any of them, into any Parte of the ſaide Landes or Premiſſes hereby mencõed, to be given, graunted, and confirmed, or for, or by Reaſon of any of the ſaide Goodes, Chattells, Wares, or Merchandizes to be imported from the ſaid Landes and Premiſſes hereby mencõed, to be given, graunted, and confirmed into any of our ſaide Dominions, or any Parte thereof as aforeſaide, excepting onlie the ſaide five Poundes per Centum hereby reſerved and payeable after the Expiracon of the ſaide Tearme of ſeaven Yeares as aforeſaid, and not before: And theis our Letters-patents, or the Inrollement, Duplicate, or Exemplificacon of the ſame ſhalbe for ever hereafter, from time to tyme, as well to the Treaſorer, Chauncellor and Barons of the Exchequer of Vs, our Heires and Succeſſors, as to all and ſinguler the Cuſtomers, Farmors, and Collectors of the Cuſtomes, Subſidies, and Impoſts of Vs, our Heires and Succeſſors, and all Searchers, and other the Officers and Miniſters whatſoever of Vs, our Heires and Succeſſors, for the Tyme being, a ſufficient Warrant and Diſcharge in this Behalf. AND, further our Will and Pleaſure is, and Wee doe hereby for Vs, our Heires and Succeſſors, ordeyne and declare, and graunte to the ſaide Governor and Company, and their Succeſſors, That all and every the Subiects of Vs, our Heires or Succeſſors, which ſhall goe to and inhabite within the ſaide Landes and Premiſſes hereby mencõed to be graunted, and everie of their Children which ſhall happen to be borne there, or on the Seas in goeing thither, or retorning from thence, ſhall have and enioy all liberties and Immunities of free and naturall Subiects within any of the Domynions of Vs, our Heires or Succeſſors, to all Intents, Conſtruccons, and Purpoſes whatſoever, as yf they and everie of them were borne

within the Realme of England. And that the Governor and Deputie-Governor of the ſaid Company for the Tyme being, or either of them, and any two or more of ſuch of the ſaide Aſſiſtants as ſhalbe therevnto appointed by the ſaide Governor and Company at any of their Courts or Aſſemblies to be held as aforeſaide, ſhall and maie at all Tymes, and from tyme to tyme hereafter, have full Power and Authoritie to miniſter and give the Oathe and Oathes of Supremacie and Allegiance, or either of them, to all and everie Perſon and Perſons, which ſhall at any Tyme or Tymes hereafter goe or paſſe to the Landes and Premiſſes hereby mencõed to be graunted to inhabite in the ſame. And, Wee doe of our further Grace, certen Knowledge and meere Mocon, give and graunte to the ſaide Governor and Company, and their Succeſſors, That it ſhall and maie be lawfull, to and for the Governor or Deputie-Governor, and ſuch of the Aſſiſtants and Freemen of the ſaid Company for the Tyme being as ſhalbe aſſembled in any of their generall Courts aforeſaide, or in any other Courtes to be ſpecially ſumoned and aſſembled for that Purpoſe, or the greater Parte of them (whereof the Governor or Deputie-Governor, and ſix of the Aſſiſtants to be alwaies ſeaven) from tyme to tyme, to make, ordeine, and eſtabliſhe all Manner of wholeſome and reaſonable Orders, Lawes, Statutes, and Ordinances, Direccons, and Inſtruccons, not contrarie to the Lawes of theis our Realme of England, as well for ſetling of the Formes and Ceremonies of Government and Magiſtracy, fitt and neceſſary for the ſaid Plantacon, and the Inhabitants there, and for nameing and ſettling of all Sortes of Officers, both ſuperior and inferior, which they ſhall finde needefull for that Governement and Plantacon, and the diſtinguiſhing and ſetting forth of the ſeverall duties, Powers, and Lymytts of every ſuch Office and Place, and the Formes of ſuch Oathes warrantable by the Lawes and Statutes of this our Realme of England, as ſhalbe reſpectivelie miniſtred vnto them for the Execucon of the ſaid ſeverall Offices and Places; as alſo, for the diſpoſing and ordering of the Eleccons of ſuch of the ſaid Officers as ſhalbe annuall, and of ſuch others as ſhalbe to ſucceede in Caſe of Death or Removeall, and miniſtring the ſaid Oathes to the newe elected Officers, and for Impoſicons of lawfull Fynes, Mulcts, Impriſonment, or other lawfull Correccon, according to the Courſe of other Corporacons in this our Realme of England, and for the directing, ruling, and diſpoſing of all other Matters and Thinges, whereby our ſaid People, Inhabitants there, may be ſoe religiouſly, peaceablie, and civilly governed, as their good Life and orderly Converſacon, maie wynn and incite the Natives of Country, to the Knowledg and Obedience of the onlie true God and Sauior of Mankinde, and the Chriſtian Fayth, which in our Royall Intencon, and the Adventurers free Profeſſion, is the principall Ende of this Plantacion. Willing, comaunding, and requiring, and by theis Preſents for Vs, our Heires, and Succeſſors, ordeyning and appointing, that all ſuch Orders, Lawes, Statuts,

Statuts and Ordinnces, Inſtruccons and Direccons, as ſhalbe ſoe made by the Governor, or deputie Governor of the ſaide Company, and ſuch of the Aſſiſtants and Freemen as aforeſaide, and publiſhed in Writing, vnder their comon Seale, ſhalbe carefullie and dulie obſerved, kept, performed, and putt in Execucon, according to the true Intent and Meaning of the ſame; and theis our Letters-patents, or the Duplicate or Exemplificacon thereof, ſhalbe to all and everie ſuch Officers, ſuperior and inferior, from Tyme to Tyme, for the putting of the ſame Orders, Lawes, Statutes, and Ordinnces, Inſtruccons, and Direccons, in due Execucon againſt Vs, our Heires and Succeſſors, a ſufficient Warrant and Diſcharge. And Wee doe further, for Vs, our Heires and Succeſſors, give and graunt to the ſaid Governor and Company, and their Succeſſors by theis Preſents, that all and everie ſuch Chiefe Comaunders, Captaines, Governors, and other Officers and Miniſters, as by the ſaid Orders, Lawes, Statuts, Ordinnces, Inſtruccons, or Direccons of the ſaid Governor and Company for the Tyme being, ſhalbe from Tyme to Tyme hereafter ymploied either in the Government of the ſaide Inhabitants and Plantacon, or in the Waye by Sea thither, or from thence, according to the Natures and Lymitts of their Offices and Places reſpectively, ſhall from Tyme to Tyme hereafter for ever, within the Precincts and Partes of Newe England hereby mencōed to be graunted and confirmed, or in the Waie by Sea thither, or from thence, have full and abſolute Power and Authoritie to correct, puniſhe, pardon, governe, and rule all ſuch the Subiects of Vs, our Heires and Succeſſors, as ſhall from Tyme to Tyme adventure themſelves in any Voyadge thither or from thence, or that ſhall at any Tyme hereafter, inhabite within the Precincts and Partes of Newe England aforeſaid, according to the Orders, Lawes, Ordinnces, Inſtruccons, and Direccons aforeſaid, not being repugnant to the Lawes and Statutes of our Realme of England as aforeſaid. And Wee doe further, for Vs, our Heires and Succeſſors, giue and graunte to the ſaid Governor and Company, and their Succeſſors, by theis Preſents, that it ſhall and maie be lawfull, to and for the Chiefe Comaunders, Governors, and Officers of the ſaid Company for the Tyme being, who ſhall be reſident in the ſaid Parte of Newe England in America, by theis Preſents graunted, and others there inhabiting by their Appointment and Direccon, from Tyme to Tyme, and at all Tymes hereafter for their ſpeciall Defence and Safety, to encounter, expulſe, repell, and reſiſt by Force of Armes, as well by Sea as by Lande, and by all fitting Waies and Meanes whatſoeuer, all ſuch Perſon and Perſons, as ſhall at any Tyme hereafter, attempt or enterpriſe the Diſtruccon, Invaſion, Detriment, or Annoyance to the ſaid Plantaccon or Inhabitants, and to take and ſurpriſe by all Waies and Meanes whatſoever, all and every ſuch Perſon and Perſons, with their Shippes, Armour, Municon, and other Goodes, as ſhall in hoſtile manner invade or attempt the deſeating of the ſaid Plantacon, or the Hurt of the ſaid Company and Inhabitants: Nevertheles, our Will and Pleaſure

ſure is, and Wee doe hereby declare to all Chriſtian Kinges, Princes and States, that yf any Perſon or Perſons which ſhall hereafter be of the ſaid Company or Plantacon, or any other by Lycenſe or Appointment of the ſaid Governor and Company for the Tyme being, ſhall at any Tyme or Tymes hereafter, robb or ſpoyle, by Sea or by Land, or doe any Hurt, Violence, or unlawfull Hoſtilitie to any of the Subiects of Vs, our Heires or Succeſſors, or any of the Subiects of any Prince or State, being then in League and Amytie with Vs, our Heires and Succeſſors, and that upon ſuch iniury don and vpon iuſt Complaint of ſuch Prince or State or their Subiects, WEE, our Heires and Succeſſors ſhall make open Proclamacon within any of the Partes within our Realme of England comodious for that Purpoſe, that the Perſon or Perſons haveing comited any ſuch Robery or Spoyle, ſhall within the Terme lymitted by ſuch a Proclamacon, make full Reſtitucon or Satisfaccon of all ſuch Iniures don, ſoe as the ſaid Princes or others ſoe complayning, may hould themſelves fullie ſatisfied and contented; and that yf the ſaid Perſon or Perſons, haveing comitted ſuch Robbery or Spoile, ſhall not make, or cauſe to be made Satisfaccon accordinglie, within ſuch Time ſoe to be lymytted, that then it ſhalbe lawful for Vs, our Heires and Succeſſors, to putt the ſaid Perſon or Perſons out of our Allegiance and Proteccon, and that it ſhalbe lawfull and free for all Princes to proſecute with Hoſtilitie, the ſaid Offendors, and every of them, their and every of their Procurers, Ayders, Abettors, and Comforters in that Behalf: PROVIDED alſo, and our expreſſe Will and Pleaſure is, and Wee doe by theis Preſents for Vs, our Heires and Succeſſors ordeyne and appoint that theis Preſents ſhall not in any manner envre, or be taken to abridge, barr, or hinder any of our louing Subiects whatſoever, to vſe and exerciſe the Trade of Fiſhing vpon that Coaſt of New England in America, by theis Preſents mencōed to be graunted; but that they, and every, or any of them, ſhall have full and free Power and Liberty to continue and vſe their ſaid Trade of Fiſhing vpon the ſaid Coaſt, in any the Seas thereunto adioyning, or any Armes of the Seas or Salt-water Rivers where they have byn wont to fiſhe, and to build and ſett vp upon the Landes by theis Preſents graunted, ſuch Wharfes, Stages, and Worke houſes as ſhalbe neceſſarie for the ſalting, drying, keeping, and packing vp of their Fiſh, to be taken or gotten vpon that Coaſt; and to cutt down, and take ſuch Trees and other Materialls there groweing, or being, or ſhalbe needefull for that Purpoſe, and for all other neceſſarie Eaſements, Helpes, and Advantage concerning their ſaid Trade of Fiſhing there, in ſuch Manner and Forme as they have byn heretofore at any tyme accuſtomed to doe, without making any wilfull Waſte or Spoyle, any Thing in theis Preſents conteyned to the contrarie notwithſtanding. AND WEE DOE further, for Vs, our Heires and Succeſſors, ordeyne and graunte to the ſaid Governor and Company, and their Succeſſors

ceſſors by theis Preſents, that theis our Letters-patents ſhalbe firme, good, effectuall, and available in all Thinges, and to all Intents and Conſtruccons of Lawe, according to our true Meaning herein before declared, and ſhalbe conſtrued, reputed, and adiudged in all Caſes moſt favourablie on the Behalf, and for the Benefitt and Behoofe of the ſaide Governor and Company and their Succeſſors: ALTHOUH expreſſe mencon of the true yearly Value or certenty of the Premiſſes or any of them, or of any other Guiftes or Grauntes, by Vs or any of our Progenitors or Predeceſſors to the aforeſaid Governor or Company before this tyme made, in theis Preſents is not made; or any Statute, Acte, Ordinnce, Proviſion, Proclamacon, or Reſtrainte to the contrarie thereof, heretofore had, made, publiſhed, ordeyned, or provided, or any other Matter, Cauſe, or Thinge whatſoever to the contrarie thereof in any wiſe notwithſtanding.

IN WITNESS whereof, Wee have cauſed theis our Letters to be made Patents.

WITNES our ſelf, at Weſtminſter, the fourth day of Marche, in the fourth Yeare of our Raigne.

Per Breve de Privato Sigillo.

WOLSELEY.

Prædictus Matthæus Cradocke Juratus eſt de Fide et Obedientia Regi et Succeſſoribus ſuis, et de Debita Exequutione Officij Gubernatoris iuxta Tenorem Præſentium, 18° Martii, 1628. Coram me Carolo Cæſare Milite in Cancellaria Mro.

CHAR. CÆSAR.

The Great Seal of England appendant by a party-coloured ſilk ſtring.

A true Copy of the Original.

Atteſt,

JOHN AVERY, D. SEC.

COPY

COPY *of a* LETTER *to Captain* JOHN ENDECOTT, *from "the Governor and Deputy of the New-England Company for a Plantation in Maſſachuſetts-Bay."*

[Records of Suffolk County, Maſſachuſetts, Lib. No. 1. Fo. 7.]

Laus Deo, in Graveſend, the 17th of Aprill, 1629.

LOVING Friends, Wee hartylie ſalute you. Wee have received Letter of the 13th of September, by which wee take Notice of your ſafe Arrivall, bleſſing God for it. Wee have formerly requeſted Mr. Cradock, our Governor to wryte you of the Receipt thereof, and give advice how wee purpoſed to proceed in ſeting forward our Plantacon; whoſe Letters, if they bee come to your Handes, (as wee hope they are) will put Lyfe into your Affaires, and encourage you to provide for the Entertainment of ſuch as are now coming.

Since your Departure wee have for the further ſtrengthening of our Graunt from the Councell at Plymoth, obtained a Confirmacon of it from his Majeſty by his Letters-pattents vnder the broad Seale of England, by which ſaid Letters-pattents wee are incorporated into a body pollitique, with ample Power to governe and rule all his Majeſty's Subiects that reſide within the Limitts of our plantacon, as by the Duplicate therof, vnder the broad Seale, which wee have delivered to Mr. Sharpe to be delivered to you, doth fully appeare.

And for that the propagating of the Goſple is the Thinge wee do profeſs aboue all to bee our Ayme in ſetling this Plantacon, wee have bin carefull to make plentyfull proviſion of Godly Miniſters, by whoſe faithfull preachinge, Godly Converſacon, and exemplary Lyfe, wee truſt not only thoſe of our owne Nation wilbe built vp in the Knowledge of God, but alſo the Indians may, in God's appointed tyme, bee reduced to the Obedyence of the Goſple of Chriſt; one of them is well knowne to yourſelfe, viz. Mr. Skelton, whom wee have the rather deſired to beare a part in this Worke, for that wee are informed your ſelfe hath formerly received much Good by his Miniſtory; he cometh in the George Bonaventure, Mr. Thomas Cox: Another is Mr. Higgeſon, a graue Man, and of worthy Commendacons; hee cometh in the Talbot: The Third is Mr. Bright, ſometymes trained vpp vnder Mr. Davenport, who cometh in the Lyon's Whelp. Wee pray you accommodate them all with Neceſſaryes as well as you may; and in convenient Tyme lett there bee Houſes built them according to the Agreement wee have made with them, Coppyes wherof, as of all others, wee have entertained, ſhalbe ſent you by the next Shipps Tyme not permiting

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it now, wee doubt not but theſe Gentlemen, your Miniſters, will agree lovingly together, for cheriſhinge of Love betwixt them, wee pray you carry yourſelfe impartiallie to all: For the Manner of the exerciſing their Miniſtrie, and teaching both our owne People and the Indians, wee leave that to themſelves, hoping they will make God's Word the Rule of their Accons, and mutually agree in the Diſcharge of their Duties; and becauſe their Doctrine will hardly bee well eſteemed whoſe perſons are not reverenced, wee deſire that both by your owne Example, and by comanding all others to doe the like, our Miniſters may receive due Honor.

Wee haue in Proſecution of that good Opinion wee haue alwayes had of you, confirmed you Governor of our plantacon, and ioyned in Comiſſion with you the three Miniſters, namely, Mr. Francis Higgonſon, Mr. Samuel Skelton, and Mr. Francis Bright, alſo Mr. John and Mr. Samuel Browne, Mr. Thomas Graves, and Mr. Samuel Sharpe, and for that wee haue ordered, that the Body of the Government there ſhall conſiſt of 13 perſons, wee are content the old Planters that are now there within our Plantacon and Lymitts thereof, ſhall choſe two of the diſcreeteſt and judiciall Men from amongſt themſelves to bee of the Government, that they may ſee wee are not wanting to give them fitting Reſpect in that wee would haue their conſent (if it may bee) in making wholeſome Conſtitucons for Government. Alwayes provyded, that none ſhalbe choſen, or meddle in their choice but ſuch as will live amongſt Vs and conforme themſelues to our Government: But if they ſhall refuſe to performe this our Direccon, then wee hereby authorize you and thoſe nominated to be of the Councell aforeſaid, to nominate and elect two ſuch Men as in your Opinions you ſhall hold meete for that place and Office, and for the other three, which will be wanting to make vpp the full nomber of 13 (which we have ſtyled the Councell of the Mattachuſetts Bay) wee hereby authoriſe * with the aforenamed ſeaven Perſons, to chuſe and nominate them out of the whole Body of the Companie, as well of thoſe that are there, as of thoſe that are to come now, not doubting but all Partialitie ſett apart, you will make choice of ſuch Men as may be moſt vſefull and carefull to the general good of our Plantacon.

And that it may appeare as well to all the Worlde, as to the old Planters themſelues, that wee ſeek not to make them Slaves, as it ſeemes by your Letter ſome of them thinke themſelues to bee become by meanes of our Patent, wee are content they ſhall be Partakers of ſuch Priviledges, as wee, from his Majeſty's eſpetiall Grace, with great Coſt, Fauor of Perſonages of Note, and much Labor, have obtained; and that they ſhalbe incorporated into this Socyetie, and enioy not only

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* I ſuppoſe *you* is wanting here.

thoſe Lands which formerly they have manured, but ſuch a further Proporcon, as by th'Advice and Judgment of your ſelfe, and the reſt of the Councell, ſhalbe thought fitt for them, or any of them. And beſides it is ſtill our Purpoſe, that they ſhould have ſome Benefitt by the comon Stock, as was by your firſt Commiſſion directed and appointed, with this Addicon, that if it bee held too much to take 30 per Cent, and the Fraight of the Goods, for, and in Conſideracon of our Adventure, and Diſburſement of our Moneyes, to be paid in Bevor at 6s. per lb. that you moderate the ſaid Rate, as you, with the reſt of the Cou ſhall thinke to bee agreeable to Equitie and good Conſcience; and our further Orders is, that none be Partakers of any the aforeſaid Priuiledges and Profitts, but ſuch as be peaceable Men, and of honeſt Lyfe and Converſacon, and deſirous to live amongſt vs, and conforme themſelves to good Order and Gouernment.

And as touching the old Planters, their earneſt Deſire for the preſent to continue the planting of Tobacco, (a Trade by this whole Companie generally diſavowed, and vtterly diſclaymed by ſome of the greateſt Adventurers amongſt Vs, who abſolutely declared themſelves vnwilling to haue Hand in this Plantacon, if Wee intended to cheriſh or permit the planting thereof, or any other kinde, then for a Man's private Vſe for meere Neceſſitie; Wee are of opinion the old Planters will haue ſmall Eucouragement to that Employment, for wee finde heere by late Experience, that it doth hardly produce the Fraight and Cuſtome, neither is there Hope of Amendment, there being ſuch great Quantities made in other Places, that ere long it is like to be little worth; Neverthelefs if the old Planters (for wee exclude all others) conceive that they cannot otherwiſe provyde for their Livelyhood, wee leave it to the Diſcrecon of your ſelfe and the Councell there, to give way for the preſent to their planting it in ſuch Manner, and with ſuch Reſtriccons, as you andthe ſaid Councell ſhall thinke fittinge, having an eſpetiall Care with as much convenyencie as may bee, vtterly to ſuppreſs the planting of it (except for meere Neceſſitie), but however, Wee abſolutely forbid the ſale of it, or the Vſe of it by any of our owne or particuler Men's Servants vnleſs vpon vrgent Occaſion, for the Benefitt of Health, and taken privately.

Mr. John Oldham came from New England not long before your Arrivall there, by whom wee have had noe ſmall Diſtraccon in our Buſineſs, having been caſt behinde at the leaſt two Months Tyme in our Voyage, through the Varyetie of his vaſt Conceipts of extraordinary Gaine of 3 for one propounded to vs, to be made and raiſed in 3 Yeares, if hee might haue the Managinge of our Stock, preferring to bee contented for his owne Employment, ſoe hee might have the overplus of the Gaines; with whom, after long Tyme ſpent in ſundry Treatyes, finding him a Man altogeather vnfitt for vs to deale with, wee have at laſt left him to his owne Way: And as wee are informed, hee, with ſome others, are provyding a Veſſell, and is mynded

mynded, as ſoon as he can diſpatch, to come for New England, pretending to ſettle himſelfe in Mattachuſetts-Bay; clayming a Title and Right, by a Grant from Sir Ferdinando Gorges Sonne, which wee are well ſatisfyed, by good Councell, is voyde in Lawe. He will admitt of noe Tearmes of Agreement, vnleſs wee will leaue him at libertie to trade for Beavor with the Natives, which wee deny to the beſt of our owne Planters; nether is hee ſatisfyed to trade himſelfe with his owne Stock and Meanes, which wee conceive is ſoe ſmall that it would not much hinder vs, but hee doth intereſt other men, who for ought wee knowe are never likely to be beneficiall to the planting of the country, their owne particuler Profitts (though to the overthrowe of the generall Plantacon) being their chiefe Ayme and Intent: Now, as wee ſhall unwillingly doe any Act in debarringe ſuche as were inhabitants before vs of that Trade, as in Conſcience they ought to enioy, ſoe ſhall we as vnwillingly permitt any to appropriate that to their owne private Lucar, which we in our religious Intencons have dedicated to the common Charge of Building houſes for God's Worſhipp, and Forts to defend ſuch as ſhall come thither to inhabite. Wee feare, that as he hath bin obſtinate and violent in his Opinions heere, ſoe hee will perſiſt, and bee ready to drawe a Partie to himſelfe there, to the great Hinderance of the comon Quiett; wee have therefore thought fitt to give you Notice of his Diſpoſicon, to the end, you may beware how you meddle with him, as alſo that you may vſe the beſt Meanes you can to ſettle an Agreement with the old Planters ſoe as they may not harken to Mr. Oldham's dangerous though vaine Propoſitions: Wee fynde him a Man ſoe affected to his owne Opinion as not to be removed from it, neither by Reaon nor any Perſwaſion; and, vnleſs he may beare ſway, and haue all Things carryed to his good Likinge, we haue little Hope of Quiett or comfortable Subſiſtance where hee ſhall make his Aboad; and, therfore, if you ſhall ſee iuſt Cauſe, wee hereby require you and the Councell there, to exerciſe that Power wee haue, and our Previledges will beare vs out in it, to ſuppreſs a Miſchiefe before it take too great a Heade, not that wee would wrong him, or any Man that will live peaceably within the Limitts of our Plantacon. But, as the Preſeruacon of our Preuiledges will cheifly depend (vnder God) vpon the firſt Foundacon of our Gouernment, ſoe if we ſuffer ſoe great an Affront as wee fynde is intended towards vs, by the Proceedings of Mr. Oldham, and his Adherents, in our firſt Beginnings, wee may be ſure they will take Hart and bee emboldned to doe vs a farr greater iniurie hereafter; and therefore wee pray you and the Councell there, to adviſe ſeriouſly togeather for the Maintenance of our Preuiledges and peaceable Gouernment, which, if it may be done by a temprate Courſe, wee much deſire it, though with ſome Inconuenyence, ſoe as our Gouernement and Preuiledges be not brought in Contempt, wiſhing rather there might be ſuch an Vnion as might drawe the Heathen by our good Example to the Embracing of Chriſt and his Goſple, then

that Offence ſhould bee given to the Heathen, and a Scandall to our Religion through our Diſagreement amongſt ourſelues, but if neceſſitie require a more ſeuere Courſe, when faire Meanes will not preuaile; wee pray you to deale, as in your Diſcrecons you ſhall thinke fitteſt for the generall Good and Safety of the Plantacon and Preſervacon of our Preuiledges. And becauſe wee would not omitt to doe any Thinge which might ſtrengthen our Right, wee would haue you (as ſoone as theſe Shipps, or any of them arrive with you, wherby you may have Men to do it, ſend 40 or 50 Perſons to Mattachuſetts-Bay to inhabite there, which wee pray you not to protract, but to doe it with all Speede; and if any of our Company in particuler ſhall deſire to ſettle themſelues there, or to ſend Servants thither, wee deſire all Accomodacon and Encouragment may be given them therevnto, wherby the better to ſtrengthen our Poſſeſſion there againſt all or any that ſhall intrude vpon vs, which wee would not have you by any Meanes to give Way vnto; with this Caution notwithſtanding, That for ſuch of our Countrymen as you finde there planted, ſoe as they bee willing to liue vnder Gouernment, you endeavor to giue them all fitting and due Accomodacon as to any of ourſelves; yea, if you ſee Cauſe for it, though it bee with more than ordinarie Preuiledges in Point of Trade.

Mr Ralph Smith, a Miniſter, hath deſired paſſage in our Shipps, which was granted him before wee vnderſtood of his difference in Judgment in ſome Things from our Miniſters, but his Proviſions for his Voyage being ſhipt before notice was taken thereof, through many Occaſions, wherwith thoſe intruſted with this Buſineſs have been employed, and foraſmuch as from hence it is feared there may grow ſome Diſtraccon amongſt you, if there ſhould bee any ſyding, though wee have a very good Opinion of his Honeſtie, yet Wee ſhall not hope offend in Charitie, to fear the worſt that may grow from their different Judgments; Wee have therefore thought fitt to give you this Order, that vnleſs hee wilbe conformable to our Government, you ſuffer him not to remain within the Limitts of our Graunt.

Wee take Notice that you deſire to have Frenchmen ſent you that might bee experienced in making of Salt and planting of Vynes: Wee have enquired diligently for ſuch, but cannot meete with any of that Nation; nevertheleſs, God hath not left vs altogeather vnprovided of a Man able to vndertake that Worke, for that, wee have entertained Mr. Thomas Groves, a Man comended to vs as well for his Honeſtie, as Skill in many Things very vſefull; firſt hee profeſſeth great Skill in the making of Salt, both in Ponds and Panns, as alſo to finde out Salt Springs or Mynes; ſecondly, hee is well ſeene in Mynes and Mineralls, eſpecially about Iron Ore and Iron Workes; thirdly, hee is able to make any Fortyficacons; fourthly, hee is well able to ſurveigh and ſett forth Lands, hee hath bin a Traveller in divers Forraigne Parts to gaine his Experience; therfore wee pray you take his Adviſe touching the Premiſſes, and where you intend to ſit down in, to fortyfie and build

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a Towne that it may bee qualified for good Ayer and Water, according to your firſt Inſtruccons, and may have as much naturall Helpe as may bee, wherby it may with the leſs Labor and Coſt bee made fitt to reſiſt an Enemie; ſoe ſoone as you have made tryall of his Sufficiencie, wryte us your Opinion how long you conceive it wilbe fitt for Vs to continue him in our Service, for that hee is tyed to ſerve Vs one whole Yeare abſolutely, and two Yeares more if wee ſhould give him Order to ſtay there ſoe long, ſoe Wee hope to receive your Advice tyme enough to giue him Order to ſtay out full 3 Yeares, or to come Home at the End of one Yeare: his Salary coſts this Company a great Some of Money, beſides which, (if hee remaine with Vs) the tranſporting of his Wyfe, and building him a Houſe, wilbe very chargable, which Wee pray you take into your Conſideracon, that ſoe Wee may continue or furceaſe this Charge as Occaſion ſhall require.

In our next, wee intend to ſend you a particuler of ſuch as are to haue Land allotted and ſett out vnto them, that ſoe you may appoint vnto each Man an equal Proporcon by Lott, according to what is to be allowed in the firſt Devident, touching which, wee ſhall then giue you more large Inſtruccons; meane while, for ſuch as haue ſent over Servants and Cattle in theſe Shipps, and for ſuch as haue more to come in two other Shipps, which wee hope wilbe ready to ſett ſaile within ten Dayes, our Deſire is, they ſhould either bee accomodated at Nahumkeeke, or in the Mattachuſetts Bay, or in both Places, if they deſire it, with all the Convenyencie that may bee, and for ſuch Grounds as ſhalbe allotted vnto them, that the ſame bee conveyed vnto them, if they deſire it, at any tyme within one Yeare after their entring vpon it, and to bee accompted as Part of their firſt Devident; but, if they ſhall diſlike it at any tyme before a general Diſtribucon bee made by Lott to all the Adventurers, then they may have Libertie to doe it, and take in Lieu thereof, as by Lott ſhall fall out amongſt other priuate Aduenturers.

Wee recomend vnto you Sir Richard Saltonſtall and Mr. Iſaack Johnſon, who ſend over Servants and Cattle in theſe Shipps, deſiring you will take care for their preſent Accomodacon as aforeſaid; and as for them, ſoe wee may not omitt to pray you likewiſe to giue all good Accomodacon to our preſent Governor, Mr. Matthew Cradock, who with ſome particuler Brethren of our Company, haue deepely engaged th emſelues in their private Aduentures in theſe Shipps and thoſe to come; and as wee hold theſe Men that thus deepely aduenture in their priuate, to bee (vnder God) ſpetiall Inſtruments for the advancing and ſtrengthning of our Plantacon, which is done by them without any Charge to the Company's generall Stock, wherin notwithſtanding, they are as deepe or deeper engaged than any other, ſoe being contented to bee debarred from all priuate trading in Furrs for 3 Yeares, wee doe hold it requiſite in all other their Deſires, to giue them all Accomodacon and Furtherance that reaſonably may be propounded by them, or any for them, their

good Beginning in the Enfancie of our Plantacon, worthylie deſerving of Vs all Favor and Furtherance.

Wee have cauſed a Comon Seale to be made, which wee ſend you by Mr. Sharpe.

If you want any Swyne, wee have agreed with thoſe of New Plymouth, that they deliver you ſix Sowes with Pigg, for which they are to be allowed 9£. in Accompt of what they owe vnto Mr. Goffe our Deputie; and for Goats, wee have bought 42 for the generall and particuler Mens' Accompts which ſhalbe ſent you by theſe and the next Shipps, or at leaſt wiſe ſoe many of them as they can convenyentlie carrie.

Wee have followed your Advice and ſent moſt of our Guns, Snaphance, Baſtard Muſket Bore; and wee haue alſo ſent Store of Powder and Shott, Grayne for Seede, both Wheat, Barley, and Rye in the Chaff, &c. As for Fruit-Stones and Kernells, the tyme of the Year ſitts not to ſend them now, ſoe wee purpoſe to doe it per next. Tame Turkeyes ſhalbe now ſent you if may bee, if not, per other Shipps; Wee are diſappointed of the Proviſions ordered to haue bin ſent for your ſelfe and Mrs. Endecote, but God willing, they ſhall come by the next.

Wee have made our Servant's Apparrell of Cloth and Lether, which Lether is not of Oyle Skinns, for wee found them over deere; yett if this prove not profitable, upon your ſecond Advice, Wee will ſend you Oyle Skinns.

For ſuch of our Nation as ſell Munition, Gunns, or other Furniture, to arme the Indians againſt Vs, or teach them the Vſe of Armes, wee would have you to apprehend them, and ſend Priſoners for England, where they will not eſcape ſevere Puniſhment, being expreſsly againſt the Proclamacon. You have had former Caution giuen you, of taking heede of beeing too ſecure in truſting the Indians, which wee againe comend to your Care, and that you may bee the better able to reſiſt both Forraigne Enemies and the Natiues, if ether ſhould aſſaile you, wee pray you lett all ſuch as live under our Gouernment, both our Servants, and other Planters and their Servants, bee exerciſed in the Vſe of Armes, and certain tymes appointed to muſter them, in which Buſineſs Mr. Sharpe and Mr. Graves wilbe Aſſiſtant to you. Mr. Sharpe is by Vs entertained to bee Mr. Gunner of our Ordnance, in which Service he is to employ ſoe much of his tyme, as the Charge of that Office doth require; and in the reſt, hee is to follow other Imployments of our Gouernors and others, for whoſe Employment hee is particulerly ſent over.

Incloſed you ſhall receiue a Factory of ſuch Proviſion of Victuall and other Neceſſaryes as wee have ſent for the generall Accompt, to which wee referr you, nothing doubting but you wilbe a provident Steward, to huſband our Prouiſions to the beſt Advantage. Wee alſo ſend you the particuler Names of ſuch as are entertained for the Company's Service; amongeſt which wee hope you will fynde many re-

ligious, diſcreete, and well ordered Perſons, which you muſt ſett over the reſt, devyding them into Famylies, placing ſome with the Miniſters, and others vnder ſuch as beeing honeſt Men (and of their owne Calling as neere as may bee) may have Care to ſee them well educated in their generall Callings as Chriſtians, and particuler according to their ſeverall Trades, or fitneſs in Diſpoſicon to learn a Trade: And whereas amongſt ſuch a Nomber, (notwithſtanding our Care to purge them) there may ſtill remaine ſome Libertines, wee deſire you to be carefull that ſuch (if any bee) may bee forced, by inflicting ſuch Puniſhment as their Offences may deſerve, which is to be as neere as may bee, according to the Lawes of this Kingdome) to conforme themſelves to good Order, with whom, after Admonition giuen if they amend not, wee pray you proceede without Partialitie to puniſh them as the nature of their Fault ſhall deſerve, and the like Courſe you are to hold both with Planters and their Servants, for all muſt liue vnder Gouvernment, and a like Lawe; and to the End you may not doe any Thing contrarie to Lawe, nor the Power graunted vs by his Majeſties Lrēs-patents, we haue as aforeſaid ſent you the Lrēs-patents vnder the Greate Seale of England, ordering and requiring you and the reſt of the Councell there, not to doe any Thinge, either in inflicting Puniſhment on Malefactors or otherwiſe, contrarie to, or in Derogacon of the ſaid Lrēs-patents, but if Occaſion require, wee authoriſe you and them to proceede according to the Power yov have; neuertheleſs, wee deſire (if it may bee) that Errors may bee reformed with Lenitie, or mylde Correccon, and if any prove incorrigable, and will not bee reclaimed by gentle Correccon, Shipp ſuch Perſons home by the Lyons Whelpe, rather than keep them there to infect, or to be an Occaſion of Scandall vnto others, wee being fully perſwaded, that if one or two be ſoe reſhipped back, and Certificates ſent home of their Miſdemeanors, it wilbe a Terror to the reſt, and a Meanes to reduce them to good Conformitie; and above all, wee pray you bee carefull that there bee none in our Precincts permitted to doe any iniurie (in the leaſt kinde) to the Heathen People, and if any offend in that way, lett them receive due Coreccon; and wee hold it fitting you publiſh a Proclamacon to that Effect, by leaving it fixed vnder the Company's Seale in ſome eminent Place, for all to take Notice, at ſuch Tyme, as both the Heathen themſelues, as well as our People, may take Notice of it; and for avoyding of the Hurt that may follow through our much Familiaritie with the Indians, wee conceive it fitt that they bee not permitted to come to your Plantacon but at certaine Tymes and Places to be appointed them. If any of the Saluages pretend Right of Inheritance to all or any Part of the Lands graunted in our Pattent, wee pray you endeavor to purchaſe their Tytle, that we may avoyde the leaſt Scruple of Intruſion.

We haue in the former Part of our Lrē cerryfied you of the good Hopes wee haue of the Loue and vnanimus Agreement of our Miniſters, they having declared themſelues to be of one Judgment, to be fully agreed on the Manner how to exer-

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ciſe their Mineſtory, which wee hope wilbe by them accordingly performed; yett becauſe it is often found that ſome buſy Perſons (led more by their Will then any good Warrant out of God's Word) take Opportunities by moving needleſs Queſtions to ſtirr vp Strife, and by that Way to begett a Queſtion, and bring Men to declare ſome Difference in Judgment (moſt commonly in Things indifferent), from which ſmall Beginnings great Miſchiefs have followed; wee pray you and the reſt of the Councell, that if any ſuch Diſputes ſhould happen amongſt you, that you ſuppreſs them, and bee carefull to maintaine Peace and Vnitie.

Wee deſire you to take Notice of one Lawrence Leech, whom wee have found a carefull and painfull Man, and wee doubt not but hee will continue his Dilligence, lett him have deſerving Reſpect; the like wee ſay of Richard Waterman, whoſe chiefe Employment wilbe to gett you good Veniſon.

We haue ſent ſix Shipwrights, of whom Robert Molton is cheife; theſe Mens' Entertainment is very chargable to vs, and by Agreement it is to bee borne, two-thirds at the Charge of the generall Companie, and the other third is to be borne by Mr. Cradock, our Gouernor, and his Aſſociatts, intereſſed in a priuate Stock: Wee hope you wilbe carefull to ſee them ſoe employed, as may countervaile the Charge, deſiring you to agree with Mr. Sharpe, that their Labor may be employed two-thirds for the generall Companie, and one-third for Mr. Cradock and his Aſſotiates; praying you to accomodate the ſaide Mr. Crrdock's People in all fitting Manner as hee doth well deſerve.

Such Cattle, both Horſes, Mares, Cowes, Bulls, and Goats, as are ſhippt by Mr. Cradock, are to be devyded in eqvall Halfes twixt him and the Companie, which was omitted to be done heere, for avoyding Partialitie, ſoe you muſt doe it equally there.

Wee pray you to be careſu'l to make vs what Returnes you poſſibly may, the better to enable vs to ſend out a freſh Supply. Wee hope you have converted the Comodities you carryed with you for Truck, into Beavor, Otter, or other Furrs, which wee pray you ſend us by the Talbott, as alſo any other Comodities you have provided in Readyneſs againſt the Shipps coming thither; but pray doe not detaine her any long Tyme to cut Tymber, or any other groſs Ladinge, for ſhe is at 150*l.* a Month Charges, which will ſoone eate out more then the Goods ſhe ſhould ſtay for is worth; wherfore, pray make what Expedicon you can to vnlade her Goods, and to put ſuch Things aboard her as you haue ready, and ſend her hetherward againe as ſoone as you may.

Wee have ſent five Weigh of Salt in the Whelpe, and ten Weigh in the Talbot; if there be any Shallopps to bee had to fiſh withall, and the Seaſon of the Yeare fitt, pray let the Fiſhermen (of which we ſend 6 from Dorcheſter) togeather with ſome of the Shipps Company, endeavor to take Fiſh, and let it bee well ſaued

with

with the ſaid Salt, and packed vpp in Hogſheads, or otherwiſe, as ſhalbe thought fitteſt, and ſend it Home by the Talbott, or Lyons' Whelpe. Now, foraſmuch as the Lyons Whelpe belongeth to the Companie, you may (if there bee Hope to do Good by it) keepe her there ſome Tyme after the Talbott; but vnleſs it be to very good Purpoſe doe not detaine her, but let her come home in Companie of the Talbott. The George Bonaventure, is to land her Paſſingers, and other Things belonging to the generall Companie, or to particuler Men, and ſoe ſett ſayle for Newfoundland, and wee pray you, let it bee your Care, to diſpatch her as ſoone as may bee.

William Ryall and Thomas Brude, Coopers and Cleavors of Tymber, are entertained by vs in Halfes with Mr. Cradock our Governor; pray ioyne others that can aſſiſt them vnto them, and lett them provide vs ſome Staves, and other Tymber of all Sorts, to bee ſent vs by the Talbott, Whelpe, or the other 2 Shipps that come after; but wee pray you conſider the Charge of theſe Shipps, and detaine them not for ſmall Matters, rather vſe all Diligence to ſend them away.

If at the Arrival of this Shipp, Mr. Endecott ſhould bee departed this Life, (which God forbidd) or ſhould happen to dye before the other Shipps arriue, wee authoriſe you, Mr. Skelton and Mr. Samuell Sharpe, to take Care of our Affaires, and to gouerne the People according to Order vntill further Order. And to the end the Saboth may bee celebrated in a religious Manner, wee appoint that all that inhabite the Plantacon, both for the generall and particuler Imployments, may ſurceaſe their Labor every Satterday throughout the Yeare, at 3 of the Clock in the Afternoone, and that they ſpend the Reſt of that Day in catichiſing and Preparacon for the Saboth as the Miniſters ſhall direct.

If it ſhall pleaſe God to take away by Death any of the 13 that ſhalbe choſen and appointed for the Councell, (of which yourſelfe or your Succeſſor is to be one) in ſuch Caſe, the then being Gouernor and the ſurvyving Councell ſhall, from tyme to tyme, make choice of one or more to ſupply the Place of ſuch as ſhalbe wanting: And that there may noe Difference ariſe about the appointing of one to bee Miniſter with thoſe you ſend to inhabite at Mattachuſetts-Bay, wee will have you (in Caſe the Miniſters cannot agree amongſt themſelues who ſhall vndertake that Place), to make Choice of one of the three by Lott, and on whom the Lott ſhall fall, hee to goe with his Famylie to performe that Worke.

Wee haue adviſed you of the ſending of William Ryall and Thomas Brude, Cleavers of Tymber, but indeed the ſaid Thomas, his Name is Brand, and not Norton; but there is one Norton, a Carpenter, whom wee pray you reſpect as he ſhall deſerve.

There is one Richard Ewſtead, a Wheelewright, who was comended to vs by Mr. Davenport, for a very able Man, though not without his Imperfeccons; wee pray

you

you take Notice of him, and regard him as hee ſhall well deſerve: The Benefitt of his Labor is to bee two-thirds for the General Companie, and one-third for Mr. Cradock, our Gouernor, being his Charges is to be borne according to that Proportion; and withall, wee pray you take Care that their Charges, who are for partable Employments whether in Halfes or Thirds, may be equally defrayed by ſuch as are to haue Benefitt of their Labors, according to each Partyes Proporcon; their ſeuerall Agreements, or the Copyes thereof, ſhall be (if God permitt) ſent you by the next Shipps.

Wee haue entertained Lambert Wilſon, Chirurgion, to remaine with you in the Service of the Plantacon, with whom we are agreed that hee ſhall ſerve this Companie and the other Planters that live in the Plantacon for 3 Yeares, and in that Tyme apply himſelfe to cure, not only of ſuch as came from hence for the generall and particuler Accompts, but alſo for the Indians, as from tyme to tyme he ſhalbe directed by yourſelfe or your Succeſſor, and the Reſt of the Councell. And moreover, he is to educate and to inſtruct in his Art one or more Youths, ſuch as you and the ſaid Councell ſhall appoint, that may be helpfull to him, and if Occaſion ſerve, ſucceed him in the Plantacon; which Youth or Youths fitt to learne that Profeſſion, lett be placed with him, of which Mr. Hugeſſon's Sonne, if his Father approue thereof, may bee one, the rather becauſe he hath bin trayned vp in Litterature; but if not hee, then ſuch other as you ſhall iudg moſt fitteſt, &c.

The 21ſt of Aprill, in Graveſend.

THE aforewritten is for the moſt Part the Coppie of our generall Lrē. ſent you, togeather with our Pattent vnder the Broad Seale, and the Companye's Seale in Siluer, by Mr. Samuell Sharpe, Paſſinger in the George, who, wee thinke, is yet ryding in the Hope, but by Meanes of ſtormy Weather, the Talbott, and the Lyons' Whelpe are yet at Black-Wall; by theſe Shipps that are to follow, wee intend, God willing, to ſupply both in our Advice and in our Proviſions what is wanting now. In the meane whyle we pray you accomodate Buſineſs with your true Endeavors for the generall Good in the beſt and diſcreeteſt Manner that you may.

For the better Accomodacon of Buſineſſes wee haue devyded the Servants belonging to the Company into ſeuerall Famylies, as wee deſire and intend they ſhould liue togeather, a Copy wherof wee ſend you here encloſed, that you may accordingly appoint each Man his Charge and Dutie; yett it is not our Intent to tye you ſoe ſtrictly to this Direccon, but that in your Diſcrecon, as you ſhall ſee Cauſe from tyme to tyme, you may alter or diſplace any as you ſhall thinke fitt.

Our

Our earneſt Deſire is, that you take ſpetiall Care in ſettlinge theſe Families, that the Cheife in the Familie (at leaſt ſome of them) bee grounded in Religion, wherby Morning and Evening Famylie Dutyes may bee duly performed, and a watchfull Eye held over all in each Familie, by one or more in each Famylie to be appointed thereto, that ſoe Diſorders may bee prevented, and illweeds nipt before they take too great a Head; it wilbe a Buſineſs worthy your beſt Endeavors to looke vnto this in the Beginninge, and if need be, to make ſome exemplary to all the reſt, otherwiſe your Government wilbe eſteemed as a ſcar-crowe: Our Deſire is, to vſe Lenitie all that may bee, but in Caſe of Neceſſitie, not to neglect the other, knowing that Correccon is ordained for the Fooles Back; and as wee intend not to be wanting on our Parts to provyde all Things needfull for the Maintenance and Suſtenance of our Servants, ſoe may wee iuſtly, by the Lawes of God and Man, require Obedyence and honeſt Carriage from them, with fitting Labor in their ſeuerall Employments, wherin if they ſhalbe wanting, and much more if refractory, care muſt bee taken to puniſh the obſtinate and diſobedyent, being as neceſſary as Food and Rayment: And wee hartely pray you, that all be kept to Labor, as the only Meanes to reduce them to civill, yea a Godly Life, and to keepe Youth from falling into many Enormities, which by Natnre wee are all too much enclyned vnto. God, who alone is able and powerfull, enable you to this greate Worke; and graunt, that our chiefeſt Ayme may bee his Honor and Glory. And, thus wiſhing you all happy and proſperous Succeſs, wee end and reſt,

Your aſſured lo: Freinds,

The Gouernor and Deputie of the

New England Company, for a Plantacon in

Mattachuſetts-Bay.

THROUGH many Buſineſſes wee had almoſt forgotten to recommend vnto you 2 Brethren of our Company, Mr. John and Mr. Samuel Browne, who though they bee noe Adventurers in the generall Stocke, yet are they Men wee doe much reſpect, being fully perſwaded of their ſincere Affeccons to the Good of our Plantacon; the one Mr. John Browne is ſworne an Aſſiſtant here, and by vs choſen one of the Councell there: a Man experienced in the Lawes of our Kingdom, and ſuch an one as wee are perſwaded will worthylie deſerue your Favor and Furtherance, which wee deſire he may haue, and that in the firſt Deviſion of Lands there may be allotted to ether of them 200 Acres.

 I finde

* I finde Mr. Oldham's graunt from Mr. Gorge is to him and John Dorrell, for all the Lands within Mattachuſetts-Bay, betweene Charles-River and Abouſett-River, containing in Lengt by ſtreight Lyne 5 Miles vp the Charles-River into the maine Land, north-weſt from the Border of the ſaid Bay, including all Creekes and Points by the Way; and 3 Myles in Length from the Mouth of the foreſaid Riuer Abouſett, vp intó the maine Land, vpon a ſtreight Line S. W. including all Creekes and Points; and all the Land in Breadth and Length betweene the foreſaid Riuers, with all Prerogatives, royall Mynes excepted: The Rent reſerved is 12d on every 100 Acres of Land that ſhalbe vſed. Mr. Blaxton, Cler. and William Jeffryes, Gent. authoriſed to put John Oldham in Poſſeſſion, having a Sight of his Graunt, this I found, though I hold it voyde in Lawe, yett his Clayme being to this, you may in your Diſcrecon prevent him by cauſing ſome to take Poſſeſſion of the cheife Part thereof.

FORM *of* GOVERNMENT *for* MASSACHUSETTS-BAY.

A GENERAL COURT, *holden att* LONDON *the 30th Day of Aprill* 1629, *by the Governour and Company of the* MASSACHUSETTS-BAY, *in* NEW-ENGLAND.

[Maſſachuſetts Records, Lib. A. Fol. 9.]

WHEREAS the King's Moſt Excellent Majeſty hath been graciouſly pleaſed to erect and eſtabliſh us by his Letters-patents under the Great Seal of England, to be a Body Corporate, intitled, The Governour and Company of the Maſſachuſetts-Bay, in New-England; and thereby hath endowed us with many large and ample Priviledges and Immunities, with Power to make good and wholeſome Laws, Orders, and Ordinances for the better Maintenance and Support of the ſaid Priviledges, and for the better and more orderly and regular Government to be obſerved in the Proſecution and Propagation of our intended Voyages and the Plantation there; authoriſing us to nominate and appoint and ſelect fitt Perſons amongſt ourſelves for the managing, ordering, and governing of our Affairs, both in England

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* This is recorded immediately after the above, but from the Alteration from the *plural* to the *ſingular* Number does not appear to be written by the Perſons who wrote the Letter.

land and in the Places and granted unto us by Vertue of his Majeſties ſaid Charter: We have in the Proſecution of the ſaid Power and Authority given us, and in Conformity thereunto, and to the Purpoſe and Intent thereof, and not otherwiſe, thought fitt to ſettle and eſtabliſhe an abſolute Government at our Plantation in the ſaid Maſſachuſetts-Bay, in New England, which by the Vote and Conſent of a full and ample Court now aſſembled, is thought fitt, and ordered as followeth, viz.

That thirteen of ſuch as ſhall be reputed the moſt wiſe, honeſt, expert, and diſcreet Perſons reſident upon the ſaid Plantation, ſhall from time to time, and at all times hereafter, have the ſole managing and ordering of the Government and our Affairs there, who, to the beſt of their Judgments, are to endeavour to ſo ſettle the ſame as may make moſt to the Glory of God, the Furtherance and Advancement of this hopeful Plantation, the Comfort, Encouragement, and future Benefitt of us and others, the Beginners and Proſecutors of this ſo laudable a Work: the ſaid thirteen Perſons ſo appointed to be entitled by the Name, of The Governour and Councill of London's Plantation in the Maſſachuſetts-Bay, in New England.

And having taken into due Conſideration the Merritt, Worth, and good Deſert of Capt. John Endicott, and others lately gone over from hence with Purpoſe to reſide and continue there; we have with full Conſent and Authority of this Court, and by Erection of Hands, choſen and elected the ſaid Capt. John Endicott to the Place of preſent Governour in our ſaid Plantation.

Alſo by the ſame Power, and with the like full and free Conſent, we have choſen and elected Mr. Fra. Higgeſon, Mr. Samuel Skelton, Mr. Fra. Bright, Mr. John Brown, Mr. Samuel Brown, Mr. Thomas Greaves, and Mr. Samuel Sharp, theſe ſeven to be of the ſaid Councill, and do hereby give Power and Authority to the ſaid Governor, and thoſe ſeven, to make Choice of 3 others, ſuch as they, or the greater Number of them in their Diſcretions, ſhall eſteem and conceive moſt fitt thereunto to be alſo of the ſaid Councell. And to the end that the former Planters there may have no juſt Occaſion of Exception as being excluded out of the Priviledges of the Company, this Court are content, and do order, by Erection of hands, that ſuch of the ſaid former Planters as are willing to live within the Limitts of our Plantation, ſhall be enabled, and are hereby authoriſed to make Choice of two ſuch as they ſhall think fitt, to ſupply and make up the Number of 12 of the ſaid Councill, one of which 12 is by the Governour and Council, or the major Part of them, to be choſen Deputy to the Governor for the Tyme being.

And further, the Court doth authorize and give Power to the ſaid Governour and Council, or the major Part of them, (whereof the Governor, or Deputy, to be always one) to make Choice of a Secretary, and ſuch other ſubordinate Officers to attend them at their Courts, Meetings, or otherwiſe, as in their Diſcretion ſhall

ſeem

ſeem meet and needfull: And to the end, that every one of the forenamed Officers, as well Governour, Deputy, and Council, as others who they ſhall think fitt to nominate and chuſe, may be the more carefull in Performance of the Charge committed unto them; it is by this Court thought fit and ordered that each of them ſhall take an Oath proper to that Place he ſhall be elected and choſen to, which is to be adminiſtred unto him or them att the Time of his or their Election or Admittance into the ſaid ſeverall Place or Places.

And wee do hereby authorize to adminiſter unto the Governour the Oath to his Place appertaining. And, that the Governour having taken his Oath as aforeſaid, ſhall adminiſter the Oath to the Deputy appertaining to his Place. And, we do further hereby authorize the Governour or Deputy, or either of them, to adminiſter the Oath to the Reſt of the Council, and to all others the ſeverall Officers reſpectively; which ſaid Oaths are to be adminiſtred in a public Court, and not elſewhere.

It is further concluded on, and ordered by this Court, that the ſaid Governour, Deputy, and Council beforenamed, ſo choſen and eſtabliſhed in their ſeveral Places, ſhall continue and be confirmed therein for the Space of one whole Year, from and after the taking the Oath, or untill ſuch Time as this Court ſhall think fitt to make Choice of any others to ſucceed in the Place or Places of them or any of them. And if it ſhall pleaſe God that any of them, or any others to be hereafter choſen to any Office there, ſhall depart this Life before the Expiratiun of the Time they were ſo choſen, or for any Miſdemeanour or Unfittneſs ſhall be held unmeet for the Place he was formerly choſen unto, that then the Governour, or Deputy and Council, or the greater Part of them, att an ample Court aſſembled, ſhall have Power, and hereby are authorized, not only to remove and diſplace ſuch unfitt Perſon or Perſons, but alſo to nominate and chuſe a fitt Perſon or Perſons to ſucceed him or them ſo deceaſed, removed, or diſplaced as aforeſaid, into the ſaid Place or Places, for the Reſidue of the Time unexpired.

And it is further agreed on and ordered, that the Governor, for the Time being, ſhall have Power, and is hereby authorized to call Courts and Meetings in Places and at Times convenient as to his Diſcretion ſhall ſeem meet; which Power is hereby alſo conferred upon the Deputy, in the Abſence of the ſaid Governor; And the ſaid Governour or Deputy, together with the ſaid Council, being choſen and aſſembled as aforeſaid, and having taken their Oaths reſpectively to their ſeveral Places, they, or the greater Number of them, whereof the Governor or Deputie to be always one, are authoriſed by this Act, grounded on the Power derived from his Majeſties Charter, to make, ordain, and eſtabliſh all Manner of wholeſome and reaſonable Laws, Orders, Ordinances, and Conſtitutions, ſo as the ſame be no Way repugnant or contrary to the Laws of the Realm of England for the Adminiſtering of Juſtice

Juſtice upon Malefactors, and inflicting condign Puniſhment upon all other Offenders; and for the Furtherance and propagating of the ſaid Plantation, and the more decent and orderly Goverment of the Inhabitants reſident there.

INDIAN DEED *to* WHEELWRIGHT, &c.

[New-Hampſhire Records.]

WHEREAS We the the Sagamores of Penecook, Pentucket, Squamſquot, and Nuchawanack, are inclined to have the Engliſh Inhabitants amongeſt Us, as they are amongeſt our Countrymen in the Maſſachuſetts Bay, by which Means we hope in Time to be ſtrengthened againſt our Enemy the Tareteens, who yearly doth us Damage. Likewiſe being perſwaded that it will be for the Good of us and our Poſterity, &c. To that End have at a general Meeting at Squamſquott on Piſcattaqua River, We the aforeſaid Sagamores, with a univerſal Conſent of our Subjects, do Covenant and agree with the Engliſh as followeth. Now all Men by theſe Preſents, that We, Paſſaconawaye, Sagamore of Penecook, Runnaawitt, Sagamore of Pentuckit, Wahangnonawitt, Sagamore of Squamſquot, and Rowls, Sagamore of Nuchawanack, for a compleat Valuation in Goods, already received in Coats, Shirts, and Victuals, and alſo for the Conſiderations aforeſaid, do according to the Limits and Bounds hereafter granted, give, grant, bargain, ſell, releaſe, ratify, and confirm unto John Wheelwright, of the Maſſachuſetts Bay, late of England, a Miniſter of the Goſpel, Auguſtine Story, Thomas Wite, William Wentworth, and Thomas Lovet, all of the Maſſachuſetts Bay, in New-England, to them, their Heires and Aſſigns for ever; all that Part of the Main Land bounded by the River of Piſcattaqua and the River of Meremak, that is to ſay, to begin at Nuchawanack Falls in Piſcattaqua River aforeſaid, and ſo down ſaid River to the Sea, and ſo alongſt the Sea Shore to Merramack River, and ſo up along ſaid River to the Falls at Pentuckit aforeſaid, and from ſaid Pentucket Falls upon a North Weſt Line, twenty Engliſh Miles into the Woods, and from thence to run upon a ſtreight Line North Eaſt and South Weſt, till meet with the Main Rivers that runs down to Pentucket Falls and Nuchawanack Falls, and the ſaid Rivers to be the Bounds of the ſaid Lands, from the thwart Line or head Line to the aforeſaid Falls, and the Main Channell of each River, from Pentuckitt and Nuchawanack Falls to the Maine Sea, to be the Side Bounds, and the Main Sea between Piſcattaqua River and Meramack River, to be the lower Bounds, and the thwart Line that runs from River to River, to be

the upper Bounds; together with all Iſlands within ſaid Bounds, as alſo the Iſles of Shoals, ſo called by the Engliſh; together with all Profits, Advantages, and Appurtenances whatſoever to the ſaid Tract of Land belonging, or in any wiſe appertaining, reſerving to ourſelves, Liberty of making Uſe of our own planting Land, and alſo free Liberty of Hunting, Fiſhing, and Fowling; and it is likewiſe with theſe Proviſoes following, viz.

Firſt, The ſaid John Wheelwright, ſhall within Ten Years after the Date hereof, ſet down with a Company of Engliſh and begin a Plantation at Squomſquott Falls in Piſcattaque River aforeſaid.

Secondly, That what other Inhabitants ſhall come and live on ſaid Tract of Land amongſt them, from time to time, and at all Times, ſhall have and enjoy the ſame Benefits as the ſaid Wheelwright aforeſaid.

Thirdly, That if at any Time there be a Number of People amongſt them, that have a mind to begin a New Plantation, that they be encouraged ſo to do, and that no Plantation exceed in Lands above Ten Engliſh Miles ſquare, or ſuch a Proportion as amounts to Ten Miles ſquare.

Fourthly, That the aforeſaid granted Lands are to be divided into Townſhips as People increaſe and appear to inhabit them, and that no Lands ſhall be granted to any particular Perſons, but what ſhall be for a Townſhip, and what Lands within a Townſhip is granted to any particular Perſons, to be by Vote of the major Part of the Inhabitants, legally and orderly ſettled in ſaid Townſhip.

Fifthly, For managing and regulating, and to auoid Contentions amongſt them, they are to be under the Government of the Colony of the Maſſachuſetts their Neighbours, and to obſerve their Lawes and Orders untill they have a ſettled Government amongſt themſelves.

Sixthly, We the aforeſaid Sagamores and our Subjects, are to have free Liberty within the aforeſaid granted Tract of Land of Fiſhing, Fowling, Hunting, and Planting, &c.

Seventhly and Laſtly, Every Townſhip within the aforeſaid Limits or Tract of Land, that hereafter ſhall pay to Paſſaconaway our chief Sagamore that now is, and to his Succeſſors forever if lawfully demanded, one Coat of Trucking Cloth a Year, and every Year for an Acknowledgment; and alſo ſhall pay to Mr. John Wheelwright aforeſaid, his Heirs and Succeſſors forever, if lawfully demanded, Two Buſhels of Indian Corn a Year, for, and in Conſideration of ſaid Wheelwright's great Pains and Care, as alſo for the Charges he hath been at to obtain this our Grant for himſelf, and thoſe aforementioned, and the Inhabitants that ſhall hereafter ſettle in Townſhips on the aforeſaid granted Premiſſes. And We the aforeſaid Sagamores

Paſſaconaway, Sagamore of Penecook, Runaawitt, Sagamore of Pentuckett, Wahangnonawitt Sagamore of Squomſquott, and Rowles, Sagamore of Nuchawanack, do by theſe Preſents ratify and confirm all the aforegranted and bargained Premiſſes and Tract of Land aforeſaid, excepting and reſerving as afore excepted and reſerved, and the Proviſors aforeſaid fulfilld, with all the Meadow and Marſh Ground therein, together with all the Mines, Minerals of what kind or nature ſoever, with all the Woods, Timber, and Timber Trees, Ponds, Rivers, Lakes, Runs of Water or Water Courſes thereunto belonging, with all the Freedom of Fiſhing, Fowling, and hunting as ourſelves, with all other Benefits, Profits, Priviledges, and Appurtenances whatſoever thereunto of all and every Part of the ſaid Tract of Land, belonging, or in any way appertaining unto him the ſaid John Wheelwright, Auguſtine Storer, Thomas Wight, William Wentworth, and Thomas Levet, and their Heires and Succeſſors forever as aforeſaid. TO HAVE AND TO HOLD the ſame as their own proper Right and Intereſt, without the leaſt Diſturbance, Moleſtation, or Trouble of Us, our Heires, Executors, and Adminiſtrators, to and with the ſaid John Wheelwright, Auguſtine Storer, Thomas Wight, William Wentworth, and Thomas Levit, their Heirs, Executors, Adminiſtrators, and Aſſigns and other the Engliſh that ſhall inhabit there, and their Heirs and Aſſigns for ever, ſhall warrant, maintain, and defend.

IN WITNESS whereof we have hereunto ſet our Hands and Seals, the ſeventeenth Day of May, 1629, and in the fifth year of King Charles his Reign over England, &c.

PASSACONAWAY Mark.
A Seale.

RUNAAWITT Mark
A Seale.

WAHANGNONAWITT Mark.
A Seale.

Signed, Sealed, and Delivered in Preſence of Us,

WADERGOSCOM Mark.
MISLONOBITE Mark.
JOHN OLDHAM.
SAMUEL SHARPE.

Memorandum.

On the 17th Day of May, one thouſand, ſix hundred, twenty and nine, in the fifth year of the Reign of our Sovereign Lord, Charles, King of England, Scotland, France and Ireland, Defender of the Faith, &c. Wahangnonaway, Sagamore of Squomſquot in Piſcataqua River, did, in Behalf of himſelf and the other Sagamores aforementioned then preſent, deliver quiet and peaceable Poſſeſſion of all the Lands mentioned in the within written Deed, unto the within named John Wheelwright, for the End within mentioned, in Preſence of Us, Walter Neal, Governor, George Vaughan, Factor, and Ambroſe Gibbins, Trader for the Company of Laconia, Richard Vines, Governor, and Richard Bonighton, Aſſiſtant of the Plantation at Saco, Thomas Wiging, Agent, and Edward Hilton, Steward of the Plantation of Hilton's Point, and was ſigned, ſealed, and delivered in our Preſence.

In Witness whereof, We have hereunto ſet our Hands, the Day and Year above written.

RICHARD VINES,
RICHARD BONIGHTON,
WALTER NEALE,
AMBROSE GIBBINS.

THOMAS WIGGIN,
EDWARD HILTON,
GEORGE VAUGHAN,

Recorded according to the Original found on the ancient Files for the County of York, this 28th Day of January, 1713.

Per JOSEPH HAMOND, Regr.

A true Copy from York County Records of Deeds, &c. Lib. 8. Fol. 16, &c.

Atteſt,

DANIEL MOULTON, Regr.

At

DIVISION OF LANDS.

[Maſſachuſetts Records.]

At a COURT *of* ASSISTANTS *on Thurſday, 21ſt May, 1629.*

THE Court taking into due and mature Conſideration how neceſſary it will be that a Devident be forthwith made of ſome competent Quantity of Land in the London Plantation in New England, both for the preſent Accommodation of the People gone thither, as well to build them Houſes, as to incloſe and manure and feed their Cattle on, haue thought fitt, and ordered, that the Governor, Deputy, and Council there ſhall make a Dividend accordingly, and allott the ſame unto the ſeuerall Aduenturers and others, as followeth, viz.

That 200 Acres of Land be by them allotted to each Aduenturer for 50*l.* Aduenture in the common Stock, and ſo after that Rate, and according to that Proportion, for more or leſs, as the Aduenture is, to the Intent they may build their Houſes and improve their Labours thereon. That every Adventurer in the common Stock, or his Servant for him, or on his Behalf, ſhall make Requeſt or Demand to the Governor, or Deputy and Council, to have a Proportion of Land allotted unto him accordingly, and if within ten Days after ſuch Requeſt or Demand made, the ſame be not ſett out and allotted him, then ſuch Perſon or Perſons are by Vertue of this Act permitted and anthorized to ſeat him or themſelves, and build his or their Houſe or Houſes, and incloſe and manure Ground in any convenient Place or Places, not formerly built upon or manured; Provided that the Land ſo made Choice of by any ſuch Perſon or Perſons do not exceed in Quantity the one-half of the Land which is to be allotted unto him or them by Dividend, according to this Order abovewritten; with Liberty alſo, when the firſt Devidend ſhall be made, to take his or their Allotment of Land as others do in lieu of this, if in the mean time the firſt Choice ſhall be diſliked by them, or any of them.

And for further Explanation of this Act, it is thought fit that if the Plott of Ground whereon the Town is to be built be ſett out, and that it be publickly known to be intended for that Purpoſe, that then no Man ſhall preſume to build his houſe in any other Place (unleſs it be in the Maſſachuſetts-Bay, and then according to ſuch Direction as ſhall be thought meet for that Place); and in Caſe his Allotment for building his Houſe within the Plott of Ground ſet out for building of the Town be not appointed unto him within ten Days after Demand or Requeſt to the Governour or the Deputy and Council for the ſame, it ſhall be free for any, being an Adventurer in the common Stock, or his Servant for him on his Behalf, to build his Houſe within any Place within the ſaid Plott ſett out for the Town, and to impale to the Quantity of Half an Acre of Ground for each 50*l.* Adventure in the common Stock, unleſs a

greater or leſſer Proportion, be formerly determined by the Governour and Council, by which each Builder is to be guided and directed.

It is further thought fit and ordered that all ſuch as go over in Perſon, or ſend over others at their own Charge, and are Adventurers in the Common Stock, ſhall have Lands allotted vnto them for each Perſon they tranſport to inhabite the Plantation, as well Servants as all others; which fifty Acres of Land ſo allotted to Servants or others is hereby ordered to be to and for the Uſe of his Maſter or Setter forth, being an Adventurer in the common Stock, to diſpoſe of at his Diſcretion, in Regard the Maſter is at the Charge of the ſaid Servant and others their tranſportation Wages and otherwiſe. But for ſuch as being no Aduenturers in the common Stock, ſhall tranſport themſelves and their Families, It is ordered that fifty Acres of Land ſhall be allotted and ſett out for the Maſter of the Family, and ſuch a Proportion of Land more, if there be Cauſe, as according to their Charge and Quality the Governour and Councill of the Plantation there ſhall think neceſſary for them, whereby their Charge may be fully and amply ſupported, unleſs it be to any with whom the Company in London have or ſhall make any other particular Agreement to which Relation is to be had in ſuch Caſe.

And to the end every Adventurer may the more ſafely and peaceably enjoy their ſaid Lands allotted out to them, or choſen by them, and the Houſes they build thereon as aboveſaid, it is thought fitt, and ordered by the Court, that Conveyances ſhall be made thereof unto each particular Man for the Land he poſſeſſeth in the Company's Name, and the Common-Seal of the Company to be thereto affixed by the Governour and Council there, at the Charge of the Company; which Common Seal is by this Court thought fit, and ordered to be committed to the Charge and Keeping of the Governour for the Time being, and in his Abſence, to his deputy here.

All which Premiſſes beforementioned, the Company do by general Conſent, ratify, eſtabliſh, and confirm; and do alſo order, that Copys of ſuch Acts ſhall be ſent over to the Governour and Council there reſydent, ſubſcribed by the Governour, Deputy, and ſix of the Aſſiſtants here; ſealed with the Common Seal of the Company.

LETTER

LETTER *to Captain* JO. ENDYCOTT, *and the* COUNCELL *in* NEW-ENGLAND.

[Suffolk County Records, p. 52.]

LONDON, 28*th May*, 1629.

AFTER our harty Comendacons, our laſt vnto you was of the 17th and 21th. Aprill, ſent by the laſt Shipps, viz. the Geo. Bonadventure, Thomas Cox Maſter, who ſett ſaile from the Iſle of Wight the 4th of this Month, and ſeconded by the Talbott, Thomas Beecher Maſter, and the Lyon's Whelpe, John Gibbs Maſter, who ſett ſaile alſo from th' Iſle of Wight, about the 11th of this Month, which lre. being large, and conſiſting of many particulers, hath bin confirmed heere; and herewith you ſhall receive a Coppy therof, deſiring you to take eſpetiall Care of the Performance, and putting in Execucon of all Things materiall therin menconed, and particulerly amongſt others that Point concerninge Publicacon to bee made, that noe Wrong or iniurie bee offred by any of our People to the Natiues there, to which Purpoſe wee deſire you the Governor to aduiſe with the Councell, in pening an effectual Edict vpon Pœnalty to bee inflicted vpon ſuch as ſhall tranſgreſs the ſame; which being done, our Deſire is the ſame may bee publiſhed, to the End that all Men may take Notice thereof, as alſo that you ſend a Coppy therof unto vs by the next Returne of the Shipps.

Wee have ſithence our laſt, and according as wee then adviſed, at a full and ample Court aſſembled, ellected and eſtabliſhed you Captaine John Endicott to the Place of preſent Gouernor of our Plantacon there, as alſo ſome others to bee of the Councell with you as more particulerly you will perceive by an Act of Court herewith ſent, confirmed by us at a Generall Court, and ſealed with our comon Seale, to which Act wee referr you, deſiring you all punctually to obſerve the ſame, and that the Oathes wee herewith ſend you, (which have been here penned by learned Councell) to bee adminiſtred to each of you in your ſeueral Places, may bee adminiſtred in ſuch Manner and Forme as in and by our ſaid order is particulerly expreſſed; and that yourſelues do frame ſuch other Oathes as in your Wiſdomes you ſhall thinke fitt to be adminiſtred to your Secretary, or other Officers, according to their ſeuerall Places reſpectively.

Wee haue further taken into our Conſideracon, the Fittneſs and Convenyencie, or rather a Neceſſitie of making a devident of Land, and allotting a Proporcon to each Aduenturer, and otherwiſe; and to this Purpoſe haue made and confirmed an

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Act, and ſealed the ſame with our Comon Seale, to the particulers wherof wee referr your, deſiring you with all conuenyent Expedicon to put the ſame in Execucon, and for your better Direccon in the Allottment, wee haue herewith ſent you (as by our laſt wee promiſed), a Liſt of all the ſeueral Aduenturers, and of the ſome by each of them aduentured, deſiring, that upon the devydent, each Aduenturer may haue his Allotment of Land, and alſo ſuch others as are noe Aduenturers, coming in perſon at their owne Charge, and the Seruants of Aduenturers ſent ouer to reſide vpon the Plantacon may haue ſuch a Proporcon of Land allotted vnto and for them as by our ſaid Order is appointed:

And whereas diuers of the Companie are deſirous to have the Lands lye togeather, wee holding it fitt herein to giue them all Accommodacon, as tending to the Furtherance of the Plantacon, doe pray you to giue Way therevnto for ſuch as ſhall deſire the ſame, whether it bee before a deuident bee made according to our Direccon, or at the Tyme of the Allotment, to obſerue the ſame Courſe.

You ſhall alſo receive herewith, the Coppys of all the ſeuerall Agreements made with the Seruants and others ſent ouer in the three laſt Shipps for Account of the Company, togeather with their ſeuerall Names, for your better Direccon in employing them in their ſeueral Places, accôrding to thoſe Agreements, as alſo the Names of the Seruants of ſuch particuler Members of the Company as went ouer in the ſaid Shipps; deſiring you that a due Regiſter bee taken and kept from tyme to tyme of all the Perſons formerly ſent over, or that hereafter come to the Plantacon both of the Names and Qualitie, and Age, of each particuler Perſon, and for or by whom they are ſent ouer.

Wee ſend you alſo herewith a particuler of all the Goods and Cattle ſent in thoſe forenamed Shipps, as alſo of what Goods, Cattle, or other Prouiſions wee now ſend vpon theſe three Shipps, viz. The Mayflower, of Yarmouth, William Pierce, Maſter; the Fower Siſters of London, Roger Harman, Maſter; the Pilgrim of London, William Wolridge, Maſter; amongſt which wee haue remembred you the Governor there with certaine Neceſſaries promiſed by our laſt; and if in ought wee haue been now wantinge, wee ſhall vpon Notice from you ſee the ſame ſupplyed by our next.

Whereas in our laſt wee aduiſed you to make Compoſicon with ſuch of the Saluages, as did pretend any Tytle, or lay Clayme to any of the Land within the Terretoryes graunted to vs by his Maieſty's Charter, wee pray you now bee carefull to diſcover and finde out all ſuch Pretenders, and by Aduice of the Councell there, to make ſuch reaſonable Compoſicon with them, as may free vs and yourſelues from any Scruple of Intruſion; and to this Purpoſe if it might be convenyently done, to compound and conclude with them all, or as many as you can at one Tyme, not

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doubting but by your diſcreet ordering of this Buſineſs, the Natiues wilbe willing to treat and compound with you vpon uery eaſie Conditions.

We pray you as ſoon as theſe Shipps are diſcharged, to cauſe a particuler to be taken and ſent vs at their Returne for England, of the Names of all ſuch Perſons as come vpon them to remaine in the Country; as alſo a Note of the Cattle and all Manner of Goods of what Kinde ſoeuer landed out of them, with the ſeuerall Marks and Names of the Owners therof, the like whereof wee deſire to receive from you of the former 3 Shipps, viz. the George, Talbott, and Lyon's Whelpe, to the End wee may compare the ſame with the Invoyces heere, and receive Fraight if any bee omitted.

The Charge wee are at in ſending ouer Seruants for the Company is uery great, the Recompence wherof (vnder God) depends vpon their Labor and Endeavors, and therefore our Deſire is, that you appoint a carefull and dilligent Overſeer to each Familie, who is to ſee each Perſon employed in the Buſineſs hee or they are appointed for; and to the End both yourſelues there, and wee heere, may from tyme to tyme haue Notice how they employ their tyme; wee have ſent you diuers Paper Bookes, which wee pray you to diſtribute to the ſaid Overſeers, who are to keep a perfect Regiſter of the dayly Worke done by each Perſon in each Famillie, a Coppy whereof, wee pray you ſend vnto vs once every halfe Year, or as often as convenyently you may, but if you conceive that the ſaid Regiſter may bee too much to wryte particulerly everie Day, wee deſire that a Sumary may be taken therof, at the leaſt euery Weeke, regiſtred in the Booke kept for that Familie, and at each Week's End the ſame to be examined and ſubſcribed by two, three, or fower ſuch diſcreet Perſons as you ſhall thinke fitt to appoint for that purpoſe.

And for the better gouerning and ordering of our People, eſpeciallie ſuch as ſhalbe negligent and remiſs in Performance of their Dutyes, or otherwiſe exorbitant, our Deſire is, that a Houſe of Correccon bee erected and ſet vpp, both for the Puniſhment of ſuch Offenders, and to deterr others by their Example from ſuch Irreguler Courſes.

Richard Claydon, a Wheele-wright, recommended vnto vs by Dr. Wells, to bee both a good and painfull workman, and of an orderly Lyfe and Converſacon, our deſire is, that vpon all Occaſions hee may haue your Furtherance and good Accomodacon as you ſhall finde him by his Endeavors to deſerue, to whom as to all others of Fitneſs and Judgement, lett ſome of our Seruants be comitted to be inſtructed by him or them in their ſeueral Arts, &c.

There is alſo one Richard Haward, and Richard Inkerſall, both Bedfordſhire men, hyred for the Company with their Famylies, who wee pray you may bee well accomodated, not doubting but they will well and orderly demeane themſelues.

Our Gouernor, Mr. Cradock, hath entertained 2 Gardners, one of which hee

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is content the Company ſhall haue Uſe of if Neede bee; and wee deſire that Barnabie Claydon, a Wheel-wright, may ſerue Mr. Sharpe for our ſaid Gouernor heere, or ſome other Perſon in Lieu of him, that may giue him Content.

Some Things wee are deſired by Mr. Whyte the Miniſter, to recomend vnto your Care, vizt. that you would ſhew all lawfull Fauor and Reſpect vnto the Planters that came over in the Lyon's Whelpe out of the Countyes of Dorſett and Somerſett: That you would appoint vnto William Dodg, a ſkilfull and painfull Huſbandman, the Charge of a Team of Horſes: To appoint Hugh Tillie and William Eedes for Seruants to Sir Richard Saltonſtall: To giue Approbacon and Furtherance to Francis Webb in ſetting vpp his Sawmill; and to take Notice that all other Perſons ſent over by Mr. Whyte are Servants to the Company, whatſouer he hath written to the contrary, this being now his owne Deſire.

The Charge of theſe 3 Shipps now ſent out, though every Man that hath any private Aduenture is to pay for his particuler, yett the Hazard of Profitt and Loſs by the fraighting of them all, and Mens' Wages and Victuall, with Victuail for the Paſſengers, is to be borne one-half by the Companyes generall Stock, and one half by the Gouernor and his Partners from their private Stock; ſoe is alſo the fiſhing to bee returned by them as the Salt ſent in them is, wherfore wee pray you, when your Shipps are diſcharged, if any Surplus ſhalbe in Victualls that they can ſpare, as alſo of other Proviſions that was provided for the Paſſengers' Accomodaton, lett the ſame be equally devyded, half to the Gouernor there, for the Company, th' other Halfe to Mr. Samuell Sharpe, for the Vſe of Mr. Cradock, our Gouernor and his Partners; all Prouiſions for the fiſhing at Sea is here equallie borne in Halfes; ſoe are all the Proviſions for ſhipping of all the Cattle in theſe 3 Shipps, and accordingly wee deſire the Deales and Caſk may be devyded there.

The Proviſions for building of Shipps, as Pitch, Tar, Rozen, Okum, old Ropes for Okum, Cordage and Saylcloth in all theſe Shipps, with 9 Ferkins and fyve halfe Barrels of Nayles in the Fower Siſters, are two-thirds for the Company in generall, and one-third for the Gouernor Mr. Cradock, and his Partners, as is alſo Charge of one Georg Farr, now ſent over to the Six Shipwrights formerly ſent: Our Deſire is, a Storehouſe may be made apt for the Prouiſions of the Shipwrights and their Tooles, wherof Robert Moulton to haue the cheife Charge, and an Inventory to bee ſent vs of all the Tooles, the new by themſelues, and the old by themſelues, that are ſent over for the Vſe of the ſaid Shipwrights, or any of them, in theſe and the former Shipps: In like Manner of all Prouiſions any Way concerning Shipping, to the end wee may heere examine and fynde that the Company may bee duly charged with their two-third Parts of the Charge, and noe more, and the Gouernor likewiſe and his Partners with one-third Part, and noe more. And our Deſire is, that theſe Men bee kept at Worke togeather, adding to their Helpe ſuch of the

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Companyes Servants as you ſhall fynde needfull, and proportionably one-half as many of Mr. Cradock's, which Courſe wee hold moſt equall; and, that accordingly as any Veſſells bee built, firſt that both Partyes may be accomodated for the preſent Occaſion, but ſoe ſoon as 3 Shallops ſhalbe finiſhed, two of them to bee ſett out for the Companie, by Lott, or as you ſhall agree there to make an equal Deviſion, and one for our Gouernor and his Partners; with whoſe Agent Mr. Sharpe, if you ſhall thinke fitt to agree vpon equall Tearmes, ether in Thirds or Halfes, to fiſh togeather when you ſhall haue Veſſells fitting, or for ſetting any other Deſigne forward that may conduce to the Good of all Partyes, the Charge to bee borne indifferently by each Partye proportionably, wee leave to your Care and good Diſcrecons, deſiring and hartely praying, that Loue and Vnitie may bee continued without any hartburninge: And as our Gouernor hath engaged himſelfe beyond all Expectacon in this Buſineſs, not only in his particuler, but by great Sommes diſburſed for the generall, to ſupply the Wants thereof; ſoe our Deſire is, that you endeavor to giue all Furtherance and freindly Accomodacon to his Agents and Servants, not doubting but you ſhall fynde them likewiſe ready to accomodate the Company in what they may the Company ſtanding in Neede of your Help.

The Cattle now and formerly ſent haue bin all provyded by the Gouernor, except 3 Mares that came out of Leiceſterſhire; but aſwell thoſe, as all the reſt, are agreed vpon to be ſhipt, the one-halfe at the Charge and vpon the Adventure of the generall Company, the other one-halfe for the Gouernor and his Partners; and becauſe all Occaſions ſhalbe avoyded of juſt Excepcons in their Deviſion, it is agreed, that the Deviſion ſhalbe made after the Arrival there, that ſoe whatſoever it ſhall pleaſe God to ſend thither in Safety, a Deviſion may bee then made thereof, by Lott, or in ſuch equall Manner as you the Gouernor there, and Mr. Sharpe, ſhall hold to be indifferent; and in caſe Mr. Samuell Sharpe ſhould bee ſick or abſent, the Gouernors Deſire is, that Henry Haughton ſupply his Place herein and in other his Occaſions there.

And as in our former, ſoe now againe wee eſpetially deſire you to take care that noe Tobacco bee planted by any of the new Planters vnder your Gouernment, vnleſs it bee ſome ſmall Quantitie for meere Neceſſitie, and for Phiſick for Preſeruacon of their Healths, and that the ſame bee taken privately by auntient Men and none other; and to make a generall Reſtraint thereof, as much as in you is, by perſwading the old Planters to employ themſelues in other Buſineſs, according to our Example, and not to permit that any Tobacco bee laden there vpon our Shipps.

Since the aboue written wee haue vpon further Conſideracon reſolved, That the Charge of the ſix Fiſhermen ſent over in the Lyon's Whelpe, and 3 more now ſent by our Gouernor, ſhould bee born, two-thirds by the generall Company, and one-

third by Mr. Cradock and Partners, the like for Salt and other Neceſſaryes for Fiſhing ; in Conſideracon wherof, and for that they will haue a like Intereſt in the Shallops, our Deſire is, that the Benefitt of their Labors both in Fiſhinge and otherwiſe (the Trade of Beavor excepted, in which if you vſe any of theſe Fiſhermen as Seamen, you muſt recompence their Labors by other Men to ſupply their Place) bee equally devyded, two-thirds for the Vſe of the General Company, and one-third for our Gouernor, Mr. Cradock and Partners, proportionally, and for ſuch others as are to bee aſſiſting to theſe Men in the Fiſhing, you are to appoint two-thirds of them to bee of the General Companye's Seruants, and one-third of the Seruants of Mr. Cradock and his Parteners accordingly.

The Charge of the Fraight of theſe three Shipps, their Men, Victualls, &c. will ſtand Vs in about 2400lb. and their Fraight outward will nothing neere countervaile that Charge ; wherefore wee pray you to eaſe it what you may by ſending Vs Returns in Fiſh or other Lading ; and wee deſire you to giue them all Expedicon, for otherwiſe their monthly Pay, being about 400lb. per Month for theſe three Shipps, will ſoone ſwallow vp the Gaines wee ſhall make of any Thinge they may bring Home from thence.

Wee haue now ſent by theſe 3 Shipps, 29 Waigh of Salt, viz. 11 Weigh in the May Flower, 15 in the Fower Siſters, and 3 Waigh in the Pilgrim, togeather with Lynes, Hookes, Knives, Bootes, and Barrells, neceſſary for Fiſhinge ; deſiring our Men may bee employed ether in Harbour, or vpon the Banke, to make vſe therof for lading our Shipps, wherin wee deſire you to conferr and aduiſe with Mr. Pierce, who hath formerly fiſhed there ; and if you ſend the Shipps to fiſh at the Banck, and expect them not to returne again to the Plantacon, that then you ſend our Barke, that is already built in the Country, to bring back our Fiſhermen, and ſuch Proviſions as they had for Fiſhing, viz. of Salt, if any Remainder bee, as alſo of Hookes, Lynes, Knives, Bootes and Barrells, which to them will be of noe Vſe, their Fiſhing being ended, but may be of Vſe to you vpon all Occaſions.

And as wee haue hereby deſired, that a Store-houſe bee built for the Shipwrights and their Prouiſions, and an Inventory kept therof ; ſoe wee deſire likewiſe that the ſame Courſe bee obſerued for the Fiſhermen, and an Inventory be duly kept of all the Prouiſions and Implements for Fiſhing, and a Coppy therof to bee ſent vnto vs, and that ſuch a carefull Perſon bee appointed to take Care and Charge therof, to preſerve the ſame from Loſs and Spoyle, as you in your Diſcrecons ſhall think fitt; which wee pray you to take into your eſpetiall Care and Conſideracon, and ſoe to order this and other Buſineſs, by diſtributing the Care therof to ſeueral Perſons, that the Burthen be not too heavy to any Particuler, and ſoe the Buſineſs itſelfe ſuffer, and this Care wee deſire may bee taken, for that wee know not how ſoone wee may reſolue of ſome other Deviſion.

Thomas

Thomas Beard, a Shoomaker, and Iſack Rickman, being both recommended to vs by Mr. Symon Whetcombe, to receiue their Dyatt and Houſe-roome at the Charge of the Companie, wee haue agreed they ſhalbe with you, the Gouernor, or placed elſewhere, as you ſhall thinke good, and receive from you, or by your Appointments, their Dyatt and Lodging, for which they are to pay each of them after the Rate of 10lb. per Ann.; and wee deſire to receiue a Certificate vnder the Hand of whomſoeuer they ſhalbe ſo dyetted and lodged with, how long Tyme they have remained with them, in caſe they ſhall otherwiſe diſpoſe of themſelues before the Yeare bee expired, or at leaſt wiſe at the End of each Yeare, to the End wee may heere receive Payment according to the ſaid Agreement. The ſaid Tho. Beard hath in the Shipp the May Flower, divers Hydes, both for Soles and vpper leathers, which hee intends to make vpp in Bootes and Shoes there in the Country; wee pray you let Mr. Peirce, the Maſter of the ſaid Shipp viewe the ſaid Leather, and Eſtimate what Tonnage the ſame may import, that ſoe the ſaid Beard may ether pay vnto you there after the Rate of 4lb. per Tonn, for Fraight of the ſame, the Like for his Dyett, if there be Occaſion to vſe any of his Comodities, or otherwiſe vpon your Aduice wee may receiue it of Mr. Whetcome, who hath promiſed to ſee the ſame diſcharged: Wee deſire alſo the ſaid Tho. Beard may have 50 Acres of Land allotted to him as one that tranſports himſelfe at his owne Charge, but as well for him as all others that ſhall have Land allotted to them in that Kinde, and are noe Aduenturers in the comon Stock, which is to ſupport the Charge of Fortyficacons, as alſo for the Miniſtrie and diuers other Affaires, wee hold it fitt that theſe kinde of Men, as alſo ſuch as ſhall come to inheritt Lands by their Seruice, ſhould by way of Acknowledgment to ſuch from whom they receive theſe Lands, become lyable to the Performance of ſome Seruice certaine Days in the Yeare, and by that Seruice they and their Poſteritie after them, to hold and inherite theſe Lands, which wilbe a good Meanes to enioy their Lands from being held in Capite, and to ſupport the Plantacon in generall and particuler.

Wee may not omitt out of our Zeal for the generall Good, once more to putt you in Mynde to bee uery circumſpect in the Infancie of the Plantacon, to ſettle ſome good Orders, whereby all Perſons reſident vpon our Plantacon may apply themſelues to one Calling or other, and noe idle Drone be permitted to live amongſt vs; which if you take Care now at the firſt to eſtabliſh, wilbe an undoubted Meanes, through God's Aſſiſtance, to preuent a World of Diſorders, and many greuious Sinns and Sinners.

The Courſe we have preſcribed for keeping a dayly Regiſter in each Familie, of what is done by all and euery Perſon in the Famylie, wilbe a great Helpe and Remembrance to you, and to future Poſteritie for the vpholding and Continuance of this good Act if once well begun and ſetled, which wee hartely wiſh and deſire as aforeſaid.

And as wee desire all ſhould liue in ſome honeſt Calling and Profeſſion, ſoe wee pray you to be vnpartiall in the Adminiſtracon of Juſtice, and endeavor that noe Man whatſoever, Freeman or Seruant to any, may have iuſt Cauſe of Complaint herein; and for that it cannot be avoyded but Offences wilbe given, wee hartely pray you to admitt of all Complaints that ſhalbe made to you, or any of you that are of the Councell, bee the Complaint never ſoe Meane, and paſs it not ſleightly over, but ſeriouſly examine the Truth of the Buſineſs; and if you fynde there was iuſt Cauſe for the Complaint, endeavor to right the oppreſſed in the beſt Manner you can, but howſoever take ſome ſtrict Courſe to prevent the like; and ſuch as are by vs put in Authoritie as ſubordinate Gouernors of Famylies, if they ſhall abvſe any vnder their Gouernment, and after a gentle Admonicon doe not reforme it, fail not ſpeedilie to remove them, as Men more fitt to bee gouerned then to gouerne others, and place more fitt and ſufficient Men in their Steed; but if you fynde any Complaint to be made without iuſt Cauſe given, let not ſuch a Fault eſcape without ſevere Puniſhment, and that forthwith, and in publique, whereby to teryfie all others from daring to complaine againſt any that ſhalbe ſett over them without a iuſt Cauſe. Wee pray you to take this earneſtly to Hart, and neglect not the due Execucon therof vpon Plantiff or Defendant, according to the Nature of the Offence; it wilbe a Meanes, through God's Mercy, of preventing many Inconvenyencies and Diſorders that otherwiſe will vndoubtedly befall you and the whole Gouernment there.

And amongſt other Sinns, wee pray you make ſome good Lawes for the puniſhing of Swearers, wherunto it is to bee feared too many are addicted that are Seruants ſent over formerly and now. Theſe and other Abuſes wee pray you who are in Authoritie to endeavour ſeriouſly to reforme, if ever you expect Comfort or a Bleſſing from God vpon our Plantacon.

Wee haue diſcharged divers Seruants heere that wee had entertained and bin at great Charges with ſome of them, yett fearing their ill Lyfe might be preiudiciall to the Plantacon, wee rather thought fitt to diſmiſs them and loaſe our Charges, then to burthen the Plantacon with them; amongſt others, in like Manner diſmiſſed by the Gouernor, 2 of the 3 Fiſhermen of his formerly menconed, are gone. Wee doubt not but God will in due Tyme provyde vs ſufficiently with honeſt and able Seruants, and wee hope theſe ſent will be conformable to Gouernment, which if they doe willingly and cheerefully wilbe the greater Comfort to you and vs; if otherwiſe, we doubt not but you in your good Diſcrecons will know how to proceede with ſuch, wherin, and in all Things els you goe about, wee beſeech the Almighty ſoe to direct you, as that God alone may haue the Glory, and you and wee Comfort heere temporally, and hereafter perpetually.

Wee pray you to take Notice, that in theſe and the former Shipps ther is ſhipped in Cattle and other Prouiſion, according to particuler Invoyces heere incloſed,

but

but whether all Things be incerted in the ſame Invoyces wee make doubt, and therfore pray you to bee carefull a due Regiſter bee kept of all putt aſhore.

Wee pray you endeavor, though there be much ſtrong Waters ſent for Sale, yett ſoe to order it as that the Saluages may not for our Lucre Sake bee induced to the exceſſive Uſe, or rather Abuſe of it; and at any Hand take Care our People give noe ill Example; and if any ſhall exceede in that inordinate Kinde of Drinking as to become drunck, wee hope you will take Care his Puniſhment bee made exemplary for all others; lett the Lawes be firſt publiſhed to forbidd theſe Diſorders, and all others you feare may growe vp, wherby they may not pretend Ignorance of the one, nor Priuiledg to offend, and then feare not to putt good Lawes, made vpon good Ground and warrant, in due Execucon.

And ſoe recommending you and all your Affaires to the Proteccon of the Almighty, wee conclude and reſt,

Yours, &c.

Graveſend, 3. *June*, 1629.

To the worſhipfull our uery loving Freinds, Captain *Jo: Endecott*, Eſquire, Gouernor, *Fr: Higgenſon*, *Samuell Skelton*, *Fr. Bright*, *Jo.* and *Sam. Browne*, *Sam. Sharpe*, *Tho. Graues*, and the Reſt of the Councell for London's Plantacon, in the Mattachuſetts-Bay, in New-England.

CAPITULATION DE QUEBEC. *Articles demandés par les ſieurs* De Champlain & Du Pont, *le* 19 *Juillet* 1629.

[Memoires de L'Amerique, Tom. II. Page 489.]

QUE le ſieur Kertk nous faſſe voir la Commiſſion du Roi de la Grande-Bretagne, en vertu de quoi il ſe veut ſaiſir de cette place; ſi c'eſt en effet par une guerre légitime que la France ait avec l'Angleterre, & ſi'l a procuration du ſieur Kertk ſon frère, Général de la flotte Angloiſe, pour traiter avec nous, il la montrera.

Il nous ſera donné un vaiſſeau pour repaſſer en France tous nos compagnons, & ceux qui ont été pris par le ſieur Général, allant trouver paſſage en France, & auſſi tous les Religieux, tant les Pères Jéſuites que Recollets, que deux Sauvageſſes qui m'ont

m'ont été données, il y a deux ans, par les Sauvages, leſquelles je pourrai emmener, ſans qu'on me les puiſſe retenir, ni donner empêchement en quelque manière que ce ſoit.

Que l'on nous permettra ſortir avec armes & bagages, & toutes ſortes d'autres commodités de meubles que chacun peut avoir, tant Religieux qu'autres, ne permettant qu'il nous ſoit fait aucun empêchement en quelque manière & façon que ce ſoit.

Que l'on nous donnera des vivres à ſuffiſance pour nous repaſſer en France, en change de pelleteries, ſans que par violence ou autre manière que ce ſoit, on empêche chacun en particulier d'emporter ce peu qui ſe trouvera entre les ſoldats & compagnons de ces lieux.

Que l'on uſera envers nous de traitement le plus favourable qe'il ſe pourra, ſans que l'on faſſe aucune violence à qui que ce ſoit, tant aux Religieux & autres de nos compagnons, qu'à ceux qui ſont en ces lieux, à ceux qui ont été pris, entre leſquels eſt mon beau-frère Boullé, qui étoit pour commander à tous ceux de la barque partie d'ici, pour aller trouver paſſage pour repaſſer en France.

Le vaiſſeau où nous devrons paſſer, nous ſera remis trois jours aprés notre arrivée à Tadouſſac entre les mains; & d'ici nous ſera donné une barque ou vaiſſeau pour charger nos commodités, pour aller audit Tadouſſac prendre poſſeſſion du vaiſſeau que ledit ſieur Kertk nous donnera pour repaſſer en France, près de cent perſonnes que nous ſommes, tant ceux qui ont été pris, comme ceux qui ſont de préſent en ces lieux.

Ce qu'étant accordé & ſigné d'une part & d'autre par ledit ſieur Kertk, qui eſt à Tadouſſac Général de l'armie Angloiſe & ſon conſeil, nous metrons le fort, l'habitation & maiſons entre les mains dudit ſieur Kertk, ou autre qui aura pouvoir pour cet effet de lui. *Signé* CHAMPLAIN & DU PONT.

ARTICLES *accordés aux ſieurs* CHAMPLAIN & DU PONT.

POUR le fait de la Commiſſion de Sa Majeſté de la Grande-Bretagne le Roi mon maître, je ne lai point ici, mais mon frére la fera voir quand ils ſeront à Tadouſſac.

J'ai tout pouvoir de traiter avec M. de Champlain, comme je vous le ferai voir.

Pour le fait de donner un vaiſſeau, je ne le puis faire; mais vous ous pouvez aſſurer du paſſage en Angleterre, & d'Angleterre en France; ce qui vous gardera de retomber entre les Mains des Anglois, auquel danger pourriez tomber.

Et pour le fait des Sauvageſſes, je ne les puis accorder pour raiſons que je vous ferai ſavoir ſi j'ai l'honneur de vous voir; pour le fait de ſortir armes & bagages & pelleteries

pelleteries, j'accorde que ces meſſieurs ſortiront avec leurs armes, habits & pelleteries à eux appartenans ; & pour les ſoldats leurs habits chacun, avec une robe de caſtor ſans autre choſe ; & pour le fait des Péres, ils ſe contenteront de leurs robes & livres.

Ce que nous promettons faire ratifier par mon frère Général pour la flotte pour Sa Majeſté de la Grande-Bretagne. *Signé* L. KERTK. *Et plus bas.* THOMAS KERTK. *Et plus bas* eſt écrit :

Les ſuſdits articles accordés avec les ſieurs de Champlain & du Pont, tant par les frères Louis & Thomas Kertk, je les accepte et ratifie, & promets qu'ils ſeront effectués de point en point. FAIT à Tadouſſac, ce 19 août, ſtyle neuf, 1629. *Signé* DAVID KERTK, avec paraphe.

LETTER *to the Rev. Mr.* SKELTON, *and the Rev. Mr.* HIGGINSON.

REVEREND FRIENDS,

THERE are lately arrived heere (being ſent from the Gouernor Mr. Endecott, as Men factious and evill conditioned) John and Samuell Browne, being Brethren, who ſince their Arrival have raiſed Rumors (as wee heare) of divers ſcandalous and intemperate Speeches paſſed from one or both of you in your publique Sermons or Prayers in New England, as alſo of ſome Inovacons attempted by you : Wee have Reaſon to hope that their Reports are but Slanders ; partly, for that your Godly and quiett Conditions are well knowne to ſome of vs ; as alſo, for that theſe Men your Accuſers ſeeme to bee imbittered againſt you and Captain Endecott for iniuryes which they conceive they have received from ſome of you there ; yett for that wee all knowe that the beſt advyſed may overſhoote themſelves, wee haue thought good to informe you of what wee heare, that if you bee innocent you may cleere yourſelues ; or, if otherwiſe, you may heereby bee intreated to looke back vpon your Miſcarriage with Repentance, or at leaſt to take notice that we vtterly diſallowe any ſuch Paſſages, and muſt and will take Order for the Redreſs therof as ſhall become vs ; but hoping, as wee ſaid, of your Unblamableneſs heerein, wee deſire that this only may teſtyfie to you and others that we are tender of the leaſt Aſperſion which ether directly or obliquely may bee caſt vpon the State heere, to whom wee owe ſoe much Duty, and from whom wee haue received ſoe much

Fauor

Fauor in the Plantacon where you now reſyde. Soe with our Loue and due Reſpect to your Callings wee reſt,

Your Loving Freinds,

R. Saltonſtall.
Iſa. Johnſon,

Matt. Cradock, Gouernor.
John Goff, Dept.
Geo. Harwood, Treaſ.
Tho. Winthrop.
Tho: Adams.
Sym: Whetcombe,
Willm. Vaſſall,
Wm. Pinchion,
John Revell,
Francis Webb.

London, 16. Octo: 1629.

SIR,

AS wee haue written at this Tyme to Mr. Skelton and Mr. Higginſon, touching the Rumors of Jo. and Sam. Browne, ſpread by them vpon their Arrival heere, concerning ſome vnadvyſed and ſcandalous Speeches vttered by them in their publique Sermons or Prayers; ſoe haue wee thought meete to advertiſe you of what they have reported againſt you and them, concerning ſome raſh Inovacons begun and practiſed in the civill and eccleſeaſticall Gouernment. Wee doe well conſider that the Brownes are likely to make the worſt of any thing they haue obſerved in New England, by Reaſon of your ſending them back againſt their Wills for their offenſive Behaviour expreſſed in a generall Lrē from the Company there; yett for that wee likewiſe doe conſider that you are in a Gouernment newly founded, and want that Aſſiſtance which the Waight of ſuch a Buſineſs doth require, wee may haue Leaue to to thinke that it is poſſible ſome vndigeſted Councells haue too ſodainely bin put in Execucon which may haue ill Conſtruccon with the State heere, and make vs obnoxious to any Adverſary. Lett it therefore ſeeme good vnto you to be very ſparing in introduceing any Lawes or Comands which may render yourſelfe or vs diſtaſtfull to the State heere, to which (as wee ought) wee muſt and will haue an obſequious Eye: and as wee make it our mayne Care to haue the Plantacon ſoe ordered as may bee moſt for the Honor of God, and of our gratious Souraigne, who hath beſtowed many large Priuiledges and royall Fauors vpon this Companie; ſoe wee deſire that all ſuch as ſhall by Word or Deede doe any Thing to detract from God's Glory, or his Majeſty's Honor, may bee duly corrected for their Amendment, and the Terror of others; and to that end if you knowe any thing which hath bin ſpoken or done, either by the Miniſters (whom the Brownes doe ſeeme tacetly to blame for ſome Things vttered in their Sermons or Prayers) or any

others, wee require you if any ſuch Thinge bee, that you forme due Proceſs againſt the Offendors, and ſend it to vs by the firſt, that wee may, as our Duty bindes vs, vſe Meanes to haue them duly puniſhed: Soe not doubting but wee haue ſaid enough, wee ſhall repoſe ourſelues vpon your Wiſdome: And doe reſt,

Your Loving Freinds.

Dated and ſigned as the former Lrē to Mr. Skelton and Mr. Higginſon.

To the Gouernor Captain Endecott.

COUNCIL *of* NEW-ENGLAND's GRANT *of* NEW-HAMPSHIRE *to* JOHN MASON.

[Records of New-Hampſhire Files.]

THIS INDENTURE, made the Seventh Day of November, Anno Domini One Thouſand Six Hundred Twenty-Nine, and in the Fifth Year of the Reign of our Sovereign Lord, Charles, by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c. Between the Preſident and Council of New-England, on the one Part, and Captain John Maſon, of London, Eſquire, on the other Party: WITNESSETH, That whereas our late Sovereign Lord, of famous Memory, King James, for the making of a Plantation, and eſtabliſhing of a Colony or Colonys, in the Country called or known by the Name of New-England, in America, did by his Highneſs's Letters-pattents, under the Great Seal of England, bearing Date at Weſtminſter, the Third Day of November, in the Eighteenth Year of his Reign, Give and Grant and Confirm unto the Right Honourable Lodiwick, Duke of Lenox, George, Marquiſs of Buckingham, James, Marquiſs Hamilton, Thomas, Earl of Arundel, Robert, Earl of Warwick, Sir Ferdinando Gorges, Knight, and divers others, whoſe Names are expreſſed in the ſaid Letters-pattents, their Heirs and Aſſigns, that they ſhall be one Body Politick and Corporate perpetuall, and that they ſhould have perpetuall Succeſſion, and one Common Seal or Seals to ſerve for the ſaid Body; and that they and their Succeſſors ſhall be known, called, incorporated by the Name of the Preſident and Council, eſtabliſhed at Plimouth, for the planting, ruling, and governing of New-England,

in America: And alſo did, of his eſpecial Grace, certain Knowledge, and meer Motion, for Him, his Heirs and Succeſſors, give, grant, and confirm unto the ſaid Preſident and Council, and their Succeſſors, under the Reſervations, Limitations, and Declarations, in the ſaid Letters-pattents expreſſed, all that Part and Portion of that Country, now commonly called New-England, which is ſituate, lying, and being between the Latitudes of Forty Degrees and Forty-Eight northerly Latitude; together with the Seas and Iſlands, lying within One Hundred Miles of any Part of the ſaid Coaſt of the Country aforeſaid; and alſo all the ſaid Soyle, Ground, Havens, Ports, Rivers, Mines, as well Royal Mines of Gold and Silver as other Mines and Minerals, Pearls and Precious Stones, Woods, Quarries, Marſhes, Waters, Fiſhings, Huntings, Hawkings, Fowlings, Commodities, and Hereditaments whatſoever; together with all Prerogatives, Juriſdictions, Royalties, Privileges, Franchiſes, and Preheminences within any of the ſaid Territories and the Precincts thereof whatſoever: To have, hold, poſſeſs and enjoy, all and ſingular the ſaid Lands and Premiſſes in the ſaid Letters-pattents granted, or mentioned to be granted, unto them the ſaid Preſident and Council, their Succeſſors and Aſſigns forever, to be holden of his Majeſty, his Heirs and Succeſſors, as of his Highneſs's Manor of Eaſt-Greenwich, in the County of Kent, in free and common Soccage, and not in Capite, or by Knights Service; yielding and paying to the King's Majeſty, his Heirs and Succeſſors, the one-fifth Part of all Gold and Silver Oare, that from time to time, and at all times from the Date of the ſaid Letters-pattents ſhall be thus gotten, had, or obtained, for all Services, Duties, or Demands, as in and by his Highneſs's ſaid Letters-pattents amongſt divers other Things therein contained, more fully at large it doth and may appear. And whereas the ſaid Preſident and Council, have upon mature Deliberation thought fitt, for the better Furniſhing and Furtherances of the Plantation in thoſe Parts; to appropriate and allot to ſeveral and particular Perſons, diverſe Parcels of Lands within the Precincts of the aforeſaid granted Premiſſes by his Majeſty's ſaid Letters-pattents: Now THIS INDENTURE WITNESSETH, That the ſaid Preſident and Council, of their free and mutual Conſent, as well to the End, that all the Lands, Woods, Lakes, Rivers, Waters, Iſlands and Fiſhings, with all the Traffick, Profits, and Commodities whatſoever, to them or any of them belonging, and hereafter in theſe Preſents mentioned, may be wholly and entirely inveſted, appropriated, ſerved and ſettled, in and upon the ſaid Captain John Maſon, his Heires and Aſſigns forever, as for divers ſpecial Services for the Advancement of the ſaid Plantation, and other good and ſufficient Cauſes and Conſiderations them eſpecially thereunto moving, have given, granted, bargained, ſold, aſſigned, aliened, ſet over, enfeoffed, and confirmed, and by theſe preſents, do give, grant, bargain, ſell, aſſign, aliene, ſet over, enfeof, and confirm unto the ſaid Captain John Maſon, his Heires and Aſſigns, all that Part of the main Land in New-England, lying upon the Sea Coaſt, beginning from the middle

Part

Part of Merrimack River, and from thence to proceed northwards along the Sea Coaſt to Piſcataqua River, and ſo forwards up within the ſaid River, and to the furtheſt Head thereof, and from thence northweſtwards, until three Score Miles be finiſhed from the firſt Entrance of Piſcataqua River, and alſo from Merrimack through the ſaid River, and to the furtheſt Head thereof, and ſo forwards up into the Lands weſtwards until three Score Miles be finiſhed; and from thence to croſs over Land to the three Score Miles, and accompted from Piſcataqua River, together with all Iſlands and Iſlets within Five Leagues Diſtance of the Premiſſes, and abutting upon the ſame or any Part or Parcel thereof; as alſo all Lands, Soyles, Grounds, Havens, Ports, Rivers, Mines, Minerals, Pearls, Precious Stones, Woods, Quarries, Marſhes, Waters, Fiſhings, Huntings, Hawkings, Fowling, and other Commodities and Hereditaments whatſoever, with all and ſingular their Appurtenances; together with all Prerogatives, Rights, Royalties, Juriſdictions, Privileges, Franchiſes, Liberties, Preheminences, Marine Power, in and upon the ſaid Seas and Rivers; as alſo all Eſcheats and Caſualties thereof, as Flotſam, Jetſon, Lagan, with Anchorage, and other ſuch Duties, Immunities, Scotts Iſlets, and Appurtenances whatſoever, with all the Eſtate, Right, Title, Intereſt, Claim, and Demand whatſoever, which the ſaid Preſident and Council, and their Succeſſors, of Right ought to have or claim in or to the ſaid Portions of Lands, Rivers, and other the Premiſſes as is aforeſaid, by Reaſon or Force of his Highneſs's ſaid Letters-pattents, in as free, large, ample, and beneficial Manner, to all Intents, Conſtructions and Purpoſes whatſoever, as in and by the ſaid Letters-pattents the ſame are amongſt other Things granted to the ſaid Preſident and Council aforeſaid, except two-fifths of the Oar of Gold and Silver in theſe Preſents hereafter expreſſed; which ſaid Portions of Lands with the Appurtenances, the ſaid Captain John Maſon, with the Conſent of the Preſident and Council, intends to name *New-Hampſhire*: TO HAVE AND TO HOLD all the ſaid Portions of Lands, Iſlands, Rivers and Premiſſes, and all and ſingular other the Commodities and Hereditaments hereby given, granted, aliened, enfeoffed, and confirmed, or mentioned, or intended by theſe Preſents to be given, granted, aliened, enfeoffed, and confirmed, with all and ſingular the Appurtenances and every Part and Parcel thereof, unto the ſaid Captain John Maſon, his Heirs and Aſſigns forever, to be holden of his ſaid Majeſty, his Heirs and Succeſſors, as of his Highneſs's Manor of Eaſt-Greenwich in the County of Kent, in free and common Soccage, and not in Capite, or by Knights Service; nevertheleſs with ſuch Exceptions, Reſervations, Limitations and Declarations, as in the ſaid Letters-pattents are at large expreſſed: YIELDING and paying unto our Sovereign Lord the King, his Heirs and Succeſſors, the fifth Part of all the Oar of Gold and Silver, that from time to time, and at all times hereafter, ſhall be there gotten, had, and obtained, for all Services, Duties, and Demands; and alſo yielding and paying unto the ſaid Preſident and Council, and their

Succeſſors yearly, theSum of five Shillings, Engliſh Money, if it be demanded, and the ſaid Preſident and Council, for them and their Succeſſors, do covenant and grant to and with the ſaid Captain John Maſon, his eirs and Aſſigns, from and after the Sealing and Delivery of theſe Preſents, according to the Purport, true Intent and Meaning of theſe Preſents, that he ſhall from henceforth, from time to time forever, peaceably and quietly have, hold, poſſeſs, and enjoy, all the aforeſaid Lands, Iſlands, Rivers and Premiſſes, with the Appurtenances, hereby before given and granted, or mentioned or intended to be hereby given and granted, and every Part or Parcel thereof, without any Lett, Diſturbance, Denial, Trouble, Interruption, or Eviction, of or by the ſaid Preſident and Council, or any Perſon or Perſons whatſoever, claiming by, from, or under them, or their Succeſſors, or by or under their Eſtate, Right, Title, or Intereſt. And the ſaid Preſident and Council, for them and their Succeſſors, do further covenant and grant to and with the ſaid Captain John Maſon, his Heirs and Aſſigns, by theſe Preſents, that they, the ſaid Preſident and Council, ſhall at all times hereafter, upon reaſonable Requeſt, at the only proper Coſt and Charges in the Law, of the ſaid Captain John Maſon, his Heirs and Aſſigns, do make, perform, ſuffer, execute, and willingly conſent unto any further Act or Acts, Conveyance or Conveyances, Aſſurance and Aſſurances whatſoever, for the good and perfect inveſting, aſſuring, conveying, and ſure-making of all the aforeſaid Portions of Lands, Iſlands, Rivers, and all and ſingular the Appurtenances, to the ſaid Captain John Maſon, his Heires and Aſſigns, as by him, his Heirs and Aſſigns, or by their, or any of their Council learned in the Law, ſhall be deviſed, adviſed, or required. And further it is agreed, by and between the ſaid Parties to theſe Preſents, and the ſaid Captain John Maſon, for him, his Heirs and Aſſigns, doth covenant to and with the ſaid Preſident and Council, and their Succeſſors, by theſe Preſents, that if at any Time hereafter there ſhall be found any Oar of Gold and Silver within the Ground, in any Part of the ſaid Premiſſes, that then he the ſaid Captain John Maſon, his Heirs and Aſſigns, ſhall yield and pay unto the ſaid Preſident and Council, their Succeſſors and Aſſigns, one-fifth Part of all ſuch Gold and Silver Oar as ſhall be found in and upon the Premiſſes; and digged and brought above Ground, to be delivered above Ground, and that always within reaſonable and convenient Time if it be demanded, after the finding, digging, and getting up of ſuch Oar as aforeſaid, without Fraud or Covin, and according to the true Intent and Meaning of theſe Preſents. And the ſaid Captain John Maſon doth further covenant for him, his Heirs and Aſſigns, that he will eſtabliſh ſuch Government in the ſaid portion of Lands and Iſlands granted unto him, and the ſame will from time to time continue, as ſhall be agreeable as near as may be to the Laws and Cuſtoms of the Realm of England; and if he ſhall be charged at any Time to have neglected his duty therein, that then he will reform the ſame, according to the Diſcretion of the Preſident and Council, or in Default thereof, it

ſhall

ſhall be lawful for any of the aggrieved Inhabitants or Planters, being Tenants upon the ſaid Lands, to appeal to the chief Court of Juſtice of the ſaid preſident and Council: And further, that if the ſaid Captain John Maſon, his Heirs and Aſſigns, ſhall at any Time hereafter aliene theſe Premiſſes, or any Part, to any foreign Nations, or to any Perſon or Perſons of any foreign Nation, without the eſpecial Lycence, Conſent, and Agreement of the ſaid Preſident and Council, their Succeſſors or Aſſigns, that then the Part or Parts of the ſaid Lands ſo aliened, ſhall immediately return back again to the Uſe of the ſaid Preſident and Council: And further, know ye, that the ſaid Preſident and Council have made, conſtituted, deputed, authorized, and appointed, and in their ſtead and place do put Captain Walter Neal, or in his Abſence, any other Perſon who ſhall be their governor, or other Officer, to be their true and lawful Attorney, and in their Name and Stead, to enter the ſaid Portion of Lands, and other the Premiſſes, with their Appurtenances, or into ſome Part thereof, in the Name of the whole, for them and in their Name, to have and take Poſſeſſion and Seizin thereof, or of ſome Part thereof, in the Name of the whole ſo had and taken, then for them and in their Names, to deliver the full and peaceable Poſſeſſion and Seiſin of all and ſingular the ſaid granted premiſſes, unto the ſaid Captain John Maſon, or to his certain Attorney or Attornies in that Behalf, according to the true Intent and Meaning of theſe Preſents, ratifying, confirming, and allowing all and whatſoever the ſaid Attorney ſhall do in and about the premiſſes by theſe preſents. IN WITNESS whereof to one part of this preſent Indenture, remaining in the Hands of Captain John Maſon, the ſaid Preſident and Council have cauſed their Common Seal to be affixed; and to the other Part of theſe preſent Indentures remaining in the Cuſtody of the ſaid Preſident and Council, the ſaid Captain John Maſon hath put to his Hand and Seal, given the Day and Year firſt above written.

A true Copy of the File in the Secretary's Office of New-Hampſhire.

Atteſt. EBEN. THOMPSON, SECRETARY.

GRANT

GRANT *from Sir* WILLIAM ALEXANDER *to Sir* CLAUDE ST. ESTIENNE.

[Records of Suffolk County, Maſſachuſetts, Lib. No. 3. Fo. 265.]

BE IT KNOWNE to all Men by theſe preſent Letters, Me Sir William Alexandre, of Menſtry, Knight, his Majeſties Lieutenant and Deputie, within the Bounds, Country, and Dominion of New Scotland in America: Foraſmuch as by Vertue of my originall Infeſtment graunted vnto me of the whole Country and Dominion of New Scotland by our late Soueraigne Lord King James, of euer bleſſed Memory, dated at Windſor the tenth Day of September, the Yeare of God, Jaj vj and twenty one * Yeares; and by virtue of my other Infeſtment granted to me of the ſame Country and Dominion by our now Soueraigne Lord, Charles, by the Grace of God, king of Great Britaine, France, and Ireland, and dated at the twelue Day of July, the Yeare of God Jai vi and twenty five † Yeares; here is full Power and Authoritie given and graunted vnto me to conferre Titles of Honour within the ſaid Country and Dominions of New Scotland, To and vpon all and whatſomeuer Perſon or Perſons reſideing and remaineing within the ſaid Bounds, as in the ſaid Infeſtments recited at length is contained. And I the ſaid Sir William Alexander, haueing good Experience of the Worth and Sufficiency of Sir Claude St. Eſtienne, Knight, Seigneure de la Tour & Vuarſe, and of his great Affection to his Majeſties Service; and knowing how in particular he hath vndergone great travell and Paines to doe his Majeſtie and me, the Sir William Alexander, as his Majeſties Lieutenant of the ſaid Dominion, good Seruice in advanceing and furthering of that Plantacon: Therefore wit yee me, the ſaid Sir William, for the greater Encouragement and vp ſturing of him and all others of the like generous Minde to proceede and continue in the ſame Bentneſſe toward the ſaid Plantacon, To have conferred, like as I the ſaid Sir William Alexander, as his Majeſties Lieutenant and Deputy aforeſaid, and hauing Power and Authoritie as ſaid is (in ſo farre as my ſaid Power and Authoritie doth or may extend, and no further), doe by theſe Preſents conferr, in and upon the ſaid Sir Claude St Eſtienne, Knight, and his Heyres male of his Body, from tyme to tyme, in all Time coming, the hereditary State, Degree, Order, Name, Dignitie, and ſtile of Barronett of New Scotland, with all and ſun-

* 1621. † 1625.

dry Prerogatiues, Priviledges, Precedencies, Conditionnes, and others equally and particularly vnderwritten; and to have made, created, conſtituted, and ordained, like as I as Lieutenant and Deputie aforeſaid, and haueing the Power and Authoritie abouewritten (in ſo farre as my ſaid Authoritie doth or may extend, and noe further), doe hereby make, create, conſtitute, and ordaine the ſaid Sir Claude St. Eſtienne, Knight, and his aforeſaid Heires male heritable Barronets of New Scotland, for euer; to haue and enjoy all and ſundrie Prerogatiues, Priviledges, and others equally and particularly vnderwritten conceaued in theire Fauors, like as alſo I as Lieutenant, and hauing Power and Authoritie as ſaid is (in ſo farre as the ſame Power doth or may extend, and no further), doe hereby giue, graunt, ordaine, will, and declare, that the ſaid Sir Claude St. Eſtienne, his Heires male whatſomeuer, perpetuallie, ſhall by Vertue of theſe Preſents, and of the ſaid Eſtate, Degree, Order, Dignitie, and Style of Barronet of New Scotland, hereby graunted to them, haue, hold, take, and enioye, in all time comeing after the day of the Date hereof, within the ſaid Country and Dominion of New Scotland, Place, Prioritie, Precedency, and Preheminency in all and whatſoeuer Comiſſions, Breves, Letters-pattents, Appellances, Nominances, and Writts whatſoeuer: And in all whatſoeuer Seſſions, Conventions, Meetings, and Aſſemblies, at all Times and Occaſions, before all Knights already made and created in any Time comeing, within the ſaid Countrey and Dominion of New Scotland: And before all Lairds, Eſquires, and Gentlemen whatſoeuer (excepting me his Majeſties ſaid Lieutenant, and my Heires, being his Majeſties Lieutenants of the ſaid Countrey and Dominion of New Scotland, and no otherwiſe), whoſe Wiues and Children ſhall haue and enioye Place and Precedency accordingly: And excepting ſuch Knights Bannerets as ſhall happen to be made by his Majeſtie, his Heires or Succeſſors, vnder theire Standard and diſplayed Banner in any Army royall in open Warre, and the King being perſonnally preſent, and no otherwiſe, and that during the Life times of the ſaid Knights Banneretts allanerly, and no longer: And before all Barronetts of New Scotland whatſoeuer, to be made at any Time hereafter, and before their Heires and Succeſſors: And in like Manner, I as Lieutenant, and hauing Power and Authoritie as ſaid is (in ſo farre as my ſaid Power may extend, and no further), doe hereby will, graunt, appointe, declare, and ordaine, that the Wife and Wives of the ſaid Sir Claude St. Eſtienne, Knight, and of his Heires males aforeſaid, from tyme to tyme for euer, ſhall by Vertue of theſe Preſents, and of the ſaid Degree, State, and Dignitie of theire huſbands haue, hold, take, and enioy, in all Time coming, Place, Precedency, Prioritie and Preheminencie, as well during theire Huſbands' Life times, as thereafter during theire owne Life times (in caſe they ſhall happen to be the Survivors), before the Wives of all Perſons whatſoeuer, before whom the ſaid Sir Claude St. Eſtienne himſelfe, or his ſaid Heires male may or ſhould by Vertue of

theſe Preſents, or of the ſaid Degree, State, Dignitie, Name, Title or Stile of Barronet of New Scotland hereby graunted to them, haue, hold, take, and enioyc Place, Prioritie, Precedency and Preheminency: And before the Wiues of the ſaid Knights Banneretts before excepted: Becauſe the ſaid Degree and Dignitie of Baronet of New Scotland is an hereditary Degree in Blood: And likewiſe, that the Sonnes and Daughters of the ſaid Sir Claude St. Eſtienne, and his ſaid Heyres males for euer, ſhall by Vertue of theſe Preſents, and of the ſaid Degree and Dignitie of Barronnett of New Scotland, hereby graunted to the ſaid Sir Claude St. Eſtienne, and to his ſaid Heyres male, haue, hold, take, and enioye, Place, Prioritie,Precedency and Preheminency before the Sonnes and Daughters of all Perſons before whom the ſaid Sir Claude St. Eſtienne, and his ſaid Heyres male, may or ſhould take Place and Precedency by Vertue of theſe Preſents, or of the ſaid Degree or Stile of Barronett of New Scotland, and hereby graunted vnto them and before the Sonnes and Daughters of the ſaid Knights Barronetts † before excepted: And likewiſe, that the Wives of the Sonnes of the ſaid Sir Claude St. Eſtienne, and his ſaid Heires Males in all Time comeing, ſhall haue, hold, take, and enioy Place and Precedency before the Wives of all Perſons whatſoeuer, before whom their Huſbands may and ſhould take Place and Precedency, and that as well during theire Huſbands' Life times as thereafter. And further, I the ſaide Sir William Alexander, as Lieutenant, and hauing the Power and Authoritie aforeſaid, for me, my Heires and Succeſſors, Lieutenants of the ſaid Countrey (in ſo farre as our ſaid Authoritie may extend, and no further), doe by theſe Preſents, will, grant, declare, ordaine, and promiſe, that at what Time and how ſoone ſoever the eldeſt Sonne and appearand Heire male of the ſaid Sir Claud St. Eſtienne, or the eldeſt Sonne and appearand Heire male of an Heire male ſucceeding to him, ſhall attayne to the Age of twenty-one Yeares, that they and each one of them ſhalbe knighted Knights of New Scotland, and whenſoeuer they or any of them ſhall require the ſame: And that the ſaid Sir Claud St. Eſtienne and his Heyres male ſhall and may haue and beare for euer hereafter, either in a Canton in their Coates of Armes or in an Eſcutcheon, at theire Election, the Armes of the ſaid Countrey of New Scotland, which are: *Argent a Salteur azur charged with the Royall Eſcutchon of Scotland;* which is, *Or a Lyon Rampant within a double treſeur flour contra flour Genelles.* And that the ſaid Sir Claud St. Eſtienne, and his ſaid Heyres male for euer ſhall haue Place in all the Armies of his Majeſtie, his Heyres and Succeſſors, or his Lieutenants, in the Groſſes neere about the royall Standard for the Defence of the ſame: And that the ſaid Sir Claud St. Eſtienne, and

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• Perhaps this ſhould be *Banneretts*, as it is in a ſimilar Patent to Charles St. Eſtienne, Eſq;

and his ſaid Heires male for euer may and ſhall haue two Aſſiſtants of the Body to ſupport the Pale and principal Mourner, and foure Aſſiſtants at theire Funeralls. And, that the ſaid Sir Claude St. Eſtienne, and his Heyres males for euer ſhalbe named, called, and deſigned by the Name of

And that in all Scottiſh Speeches and Writts, this Addition (Sir), and in all other Languages, Speeches, and Writts, the like ſignificant word ſhalbe permitted to the Names of the ſaid Sir Claude St. Eſtienne, and his ſaid Heires males for euer; and that the ſaid Tittle and Stile of Barronet of New Scotland ſhall be putt to and adjoined to the End of theire Surnames in all and ſundry Letters-pattents, Charters, and other Writts whatſoeuer, as a true lawfull neceſſary Addition of Dignitie: And therefore the ſaid Sir Claude St. Eſtienne now and at all times hereafter ſhall be named, called, and ſtiled Sir Claude St. Eſtienne Signeur de la Tour and Vuarſe, and Barronett of New Scotland: And alſo that the Wiues of the ſaid Sir Claud St. Eſtienne, and of his Heires male for euer, ſhall have, hold, vſe, and enjoy, the Stile, Title, and Appellacon of MADAME, LADIE, and DAME according to the Vſe and Phraſe in Speech and Writing. And further, if any Queſtion not hereby cleared ſhall ariſe concerning any Place, Precedency, or Prerogatiue due to the ſaid Sir Claude St. Eſtienne and his Heyres males, their Wiues, Sonnes, Daughters, and Sonnes' Wives, or any of them, that the ſame ſhall bee judged and decided (being according to ſuch vſuall Rites, Cuſtomes and Lawes) as other Degrees of Dignitie hereditary are judged and decided for Place, Prerogatiue, and Precedencie: And further, that no Perſon nor Perſons whatſoeuer, ſhall hereafter be made Barronetts of New Scotland, or preferred to the ſaid Degreee or Stile of Barronett of New Scotland, but ſuch as ſhall firſt performe the Conditions appointed by his Majeſtie, for the Furtherance of the Plantacon of the ſaid Countrey, and certifie the ſame to his Majeſtie, or his Commiſſioners, by me his Highneſs Lieutenant, whom his Majeſtie hath appointed to ſee the Performance thereof, or by my Heires and Succeſſors, being his Majeſtie's ſaid Lieutenants; and moreover, that theſe Preſents are and ſhall be ſufficient and effectuall in all Time comeing, in all Points as is above written, to the ſaid Sir Claude St. Eſtienne, and his Heires males for euer; And to theire Wiues, Sonnes, Daughters and Sonnes Wiues and euery one of them in the Law. And laſtly, I the ſaid Sir William Alexander, as Lieutenant and Deputie aforeſaid (in ſo farre as my Power and Authoritie may or can be extended, and no further) for me and my aforeſaid Lieutenants aboue written, doe by theſe Preſents, giue and graunt unto the ſaid Sir Claude St. Eſtienne, and to his ſaid Heyres and Succeſſors, for euer, in Signe and token of theire ſaid Title of Honor now conferred vpon them, full Power, Libertie, Lycence and Authoritie to wear and carry in an orange tawny Ribband, the Badge and Cogniſance of Barronett of New Scot-

theſe Preſents, or of the ſaid Degree, State, Dignitie, Name, Title or Stile of Barronet of New Scotland hereby graunted to them, haue, hold, take, and enioye Place, Prioritie, Precedency and Preheminency: And before the Wiues of the ſaid Knights Banneretts before excepted: Becauſe the ſaid Degree and Dignitie of Baronet of New Scotland is an hereditary Degree in Blood: And likewiſe, that the Sonnes and Daughters of the ſaid Sir Claude St. Eſtienne, and his ſaid Heyres males for euer, ſhall by Vertue of theſe Preſents, and of the ſaid Degree and Dignitie of Barronnett of New Scotland, hereby graunted to the ſaid Sir Claude St. Eſtienne, and to his ſaid Heyres male, haue, hold, take, and enioye, Place, Prioritie, Precedency and Preheminency before the Sonnes and Daughters of all Perſons before whom the ſaid Sir Claude St. Eſtienne, and his ſaid Heyres male, may or ſhould take Place and Precedency by Vertue of theſe Preſents, or of the ſaid Degree or Stile of Barronett of New Scotland, and hereby graunted vnto them and before the Sonnes and Daughters of the ſaid Knights Barronetts † before excepted: And likewiſe, that the Wives of the Sonnes of the ſaid Sir Claude St. Eſtienne, and his ſaid Heires Males in all Time comeing, ſhall haue, hold, take, and enioy Place and Precedency before the Wives of all Perſons whatſoeuer, before whom their Huſbands may and ſhould take Place and Precedency, and that as well during theire Huſbands' Life times as thereafter. And further, I the ſaide Sir William Alexander, as Lieutenant, and hauing the Power and Authoritie aforeſaid, for me, my Heires and Succeſſors, Lieutenants of the ſaid Countrey (in ſo farre as our ſaid Authoritie may extend, and no further), doe by theſe Preſents, will, grant, declare, ordaine, and promiſe, that at what Time and how ſoone ſoever the eldeſt Sonne and appearand Heire male of the ſaid Sir Claud St. Eſtienne, or the eldeſt Sonne and appearand Heire male of an Heire male ſucceeding to him, ſhall attayne to the Age of twenty-one Yeares, that they and each one of them ſhalbe knighted Knights of New Scotland, and whenſoeuer they or any of them ſhall require the ſame: And that the ſaid Sir Claud St. Eſtienne and his Heyres male ſhall and may haue and beare for euer hereafter, either in a Canton in their Coates of Armes or in an Eſcutcheon, at theire Election, the Armes of the ſaid Countrey of New Scotland, which are: *Argent a Salteur azur charged with the Royall Eſcutchon of Scotland;* which is, *Or a Lyon Rampant within a double treſeur flour contra flour Genelles.* And that the ſaid Sir Claud St. Eſtienne, and his ſaid Heyres male for euer ſhall haue Place in all the Armies of his Majeſtie, his Heyres and Succeſſors, or his Lieutenants, in the Groſſes neere about the royall Standard for the Defence of the ſame: And that the ſaid Sir Claud St. Eſtienne, and

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• Perhaps this ſhould be *Banneretts*, as it is in a ſimilar Patent to Charles St. Eſtienne, Eſq;

and his ſaid Heires male for euer may and ſhall haue two Aſſiſtants of the Body to ſupport the Pale and principal Mourner, and foure Aſſiſtants at theire Funeralls. And, that the ſaid Sir Claude St. Eſtienne, and his Heyres males for euer ſhalbe named, called, and deſigned by the Name of

And that in all Scottiſh Speeches and Writts, this Addition (Sir), and in all other Languages, Speeches, and Writts, the like ſignificant word ſhalbe permitted to the Names of the ſaid Sir Claude St. Eſtienne, and his ſaid Heires males for euer; and that the ſaid Tittle and Stile of Barronet of New Scotland ſhall be putt to and adjoined to the End of theire Surnames in all and ſundry Letters-pattents, Charters, and other Writts whatſoeuer, as a true lawfull neceſſary Addition of Dignitie: And therefore the ſaid Sir Claude St. Eſtienne now and at all times hereafter ſhall be named, called, and ſtiled Sir Claude St. Eſtienne Signeur de la Tour and Vuarſe, and Barronett of New Scotland: And alſo that the Wiues of the ſaid Sir Claud St. Eſtienne, and of his Heires male for euer, ſhall have, hold, vſe, and enjoy, the Stile, Title, and Appellacon of MADAME, LADIE, and DAME according to the Vſe and Phraſe in Speech and Writing. And further, if any Queſtion not hereby cleared ſhall ariſe concerning any Place, Precedency, or Prerogatiue due to the ſaid Sir Claude St. Eſtienne and his Heyres males, their Wiues, Sonnes, Daughters, and Sonnes' Wives, or any of them, that the ſame ſhall bee judged and decided (being according to ſuch vſuall Rites, Cuſtomes and Lawes) as other Degrees of Dignitie hereditary are judged and decided for Place, Prerogatiue, and Precedencie: And further, that no Perſon nor Perſons whatſoeuer, ſhall hereafter be made Barronetts of New Scotland, or preferred to the ſaid Degreee or Stile of Barronett of New Scotland, but ſuch as ſhall firſt performe the Conditions appointed by his Majeſtie, for the Furtherance of the Plantacon of the ſaid Countrey, and certifie the ſame to his Majeſtie, or his Commiſſioners, by me his Highneſs Lieutenant, whom his Majeſtie hath appointed to ſee the Performance thereof, or by my Heires and Succeſſors, being his Majeſtie's ſaid Lieutenants; and moreover, that theſe Preſents are and ſhall be ſufficient and effectuall in all Time comeing, in all Points as is above written, to the ſaid Sir Claude St. Eſtienne, and his Heires males for euer; And to theire Wiues, Sonnes, Daughters and Sonnes Wiues and euery one of them in the Law. And laſtly, I the ſaid Sir William Alexander, as Lieutenant and Deputie aforeſaid (in ſo farre as my Power and Authoritie may or can be extended, and no further) for me and my aforeſaid Lieutenants aboue written, doe by theſe Preſents, giue and graunt unto the ſaid Sir Claude St. Eſtienne, and to his ſaid Heyres and Succeſſors, for euer, in Signe and token of theire ſaid Title of Honor now conferred vpon them, full Power, Libertie, Lycence and Authoritie to wear and carry in an orange tawny Ribband, the Badge and Cogniſance of Barronett of New Scot-

land, in Gold enamelled, bearing the Armes of New Scotland, and with the Crowne Royall above, and this Circumſcription, *Fax Mentis Honeſtæ Gloria*, of the ſame Forme and Faſhon, and in the ſame Manner, and as freely in all Reſpects as any Barronett of the ſaide Kingdome of Scotland, or of the ſaid Countrey of New-Scotland, hath heretofore worne or carryed, or at any time hereafter may weare and carry the ſame according to the Tenore and Purport of his Majeſties Letters and Warrant directed or intended for that Purpoſe, or hereafter to be procured for the ſame. In Witness whereof (written by William Alexander my Servant) I haue ſubſcribed and delivered thir Pattents (ſealed with the great Seale of the ſaid Countrey of New Scotland), at his Majeſties Court at Whitehall, the laſt Day of Nouember, in the Yeare Jaj vj and twentie nine * Yeares. Before theſe Witneſſes, Anthony Alexander and Henry Alexander my Sonnes, and the ſaid William Alexander Wrytter hereof.

Signed, Sealed, and Delivered in the Preſents of

Antho: Alexander,
Hen: Alexander,
Wm. Alexander.

William Alexander and a great Seale appending.

[A Patent in the ſame Words, mutatis mutandis, was granted by Sir William Alexander to "Charles St. Eſtienne, Eſq; Signeur de St. Denniſcourt and Baigneux," Son of Sir Claude de St. Eſtienne, dated at Whitehall, May 12th 1630, and ſigned, ſealed, and delivered in the Preſence of the ſame Witneſſes as the foregoing.]

PATENT *for the* OLD COLONY *of* PLYMOUTH.

[Original.]

To all to whom theſe Preſents ſhall come, Greeting:

WHEREAS our late Soveraigne Lorde Kinge *James*, for the Advauncement of a Collonie and Plantacon in the Country called or knowne by the Name of *New-England* in *America*, by his Highnes Letters-pattents vnder the Greate Seale of Englande, bearinge Date at Weſtminſter, the Third Day of November, in the Eighteenth

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* 1629.

Eighteenth Year of his Highnes' Raigne of Englande, &c. *Did giue*, graunte, and confirme vnto the Right Honourable Lodowick, late Lord Duke of Lenox, George, late Lord Marques of Buckingham, James, Marques Hamilton, Thomas, Earle of Arundell, Robert, Earle of Warwicke, Sir Ferdinando Gorges, Knight, and diverſe others, whoſe names are expreſſed in the ſaid Letters-pattents, and their Succeſſors, That they ſhould bee one Bodie Pollitique and Corporate perpetually, conſiſtinge of Forty perſons, and that they ſhould have perpetuall Succeſſion, and one Common Seale to ſerve for the ſaid Body; and that they and their Succeſſors ſhould be incorporated, called, and known by the Name of the Counceil eſtabliſhed att Plymouth, in the County of Devon, for the plantinge, ruleinge, orderinge, and gouerninge of *New-Englande*, in America: And further alſoe of his ſpetiall Grace, certaine Knowledge, and meer Motion, *Did* giue, graunte, and confirme vnto the ſaid Preſidente and Councell, and their Succeſſors foreuer, vnder the Reſervacons, Limitacons, and Declaracons in the ſaid Letters-pattents expreſſed, all that parte and portion of the ſaid Cuntry, now called *New-England* in *America*, ſcituate, lyinge, and being in breadth from Fourty Degrees of northerly Latitude from the *Æquinoctiall* Line, to Fourty-Eight Degrees of the ſaid northerly Latitude incluſively, and in length of and in all the Breadth aforeſaide throughout the maine Lande from Sea to Sea; togeather alſoe with all the firme Landes, Soyles, Grounds, Creeks, Inletts; Hauens, Portes, Seas, Rivers, Iſlands, Waters, Fiſhinges, Mynes and Mineralls, aſwell Royall Mines of Gold and Siluer, as other Mines and Mineralls, Pretious Stones, Quarries, and all and ſinguler the Commodities, Juriſdiccons, Royalties, Priueledges, Franchiſes, and preheminencies, both within the ſaide Tract of Land the Maine, as alſoe within the ſaid Iſlands and Seas adjoininge, *To haue*, *holde*, *poſſeſſe*, and enjoy, all and ſinguler the foreſaide Continent, Lands, Territories, Iſlands, Hereditaments, and Precincts, Sea, Waters, Fiſhinges, with all and all Manner their Commodities, Royalties, Priviledges, Preheminencies, and Proffitts that ſhall ariſe from thence, with all and ſinguler their Appurtenances, and every parte and parcell thereof, vnto the ſaid Councell, and their Succeſſors and Aſſignes foreuer; to be holden of his Majeſtie, his Heires and Succeſſors, as of his Manor of *Eaſt-Greenwiche*, in the County of Kente, in free and common Soccage, and not in Capite, or by Knight's Service: *Yeeldinge and payinge* therefore to the ſaid late King's Majeſtie, his Heires and Succeſſors, the fifte parte of the Oare of Gold and Silver, which from tyme to tyme, and att all tymes, from the Date of the ſaid Letters-pattents, ſhalbe there gotten, had and obtained, for and in reſpect of all and all manner of Duties, Demands, and Services whatſoeuer, to be done, made and paid vnto his ſaid late Majeſtie, his Heires and Succeſſors, as in and by the ſaid Letters-pattents, amongſt ſundry other priuiledges and Matters therein contained, more fully and at large it doth and may appeare: *Now know yee*, that the ſaid Councell by Vertue and Authority of his ſaid late Majeſtie's Letters-

 pattents,

pattents, and for and in Conſideracon, that William Bradford and his Aſſociatts, have for theſe nine Yeares liued in *New-Englande* aforeſaid, and have there inhabited and planted a Towne, called by the Name of *New-Plimouth*, att their owne proper Coſts and Charges; and now ſeeinge that by the ſpetiall Prouidence of God, and their extraordinary Care and Indvſtry, they have encreaſed their Plantacon to neere three hundred People, and are vppon all Occaſions able to relieue any new Planters, or other his Majeſtie's Subiects, whoe may fall vppon that Coaſte; *Have* given, grauntrd, bargained, ſould, enfeoffed, allotted, aſſigned, and ſet ouer, and by theſe Preſents doe cleerely and abſolutely give, graunte, bargaine, ſell, alien, enfeoffe, allott, aſſigne, and confirme vnto the ſaid William Bradford, his Heires, Aſſociatts, and Aſſignes, all that Parte of *New Englande* in *America* aforeſaid, and Tracte and Tractes of Lande that lye within or betweene a certaine Rivolett or Rundlett there, commonly called *Coahaſſett*, alias *Conahaſſet*, towards the north, and the River commonly called *Naraganſets* River towards the South, and the great Weſterne Ocean towards the Eaſt, and betweene and within a ſtraight line directly extendinge upp into the maine Land towards the Weſt, from the mouth of the ſaid River called *Naraganſetts* Riuer, to the vtmoſt Limitts and Bounds of a Cuntry or Place in *New Englande*, commonly called *Pokenacutt*, alias *Sowamſett*, weſtward, and another like ſtraight Line, extending itſelf directly from the Mouth of the ſaid River called *Coahaſſett*, alias *Conahaſſett*, towards the Weſt ſoe farr upp into the maine Lande Weſtwards, as the utmoſt Limitts of the ſaidPlace or Cuntry, commonly called *Pokenacutt*, alias *Sowamſett*, doe extend togeather with one half the ſaid Riuer called *Naraganſetts*, and the ſaid Rivolett or Rundlett called *Coahaſſett*, alias *Conahaſſett*, and all Lands, Riuers, Waters, Hauens, Creeks, Ports, Fiſhings, and all Hereditaments, Proffitts, Comodities, and Emoluments whatſoeuer, ſituate, lyinge, and beinge, or ariſinge within or betweene the ſaid Limitts and Bounds, or any of them. And foraſmuch as they have noe convenient Place, either of Tradinge or Fiſhinge within their owne precincts, whereby (after ſoe longe Travell and great Paines) ſoe hopefull a Plantacon may ſubſiſte, as alſoe that they may bee incouraged the better to proceed in ſoe pious a Worke, which may eſpecially tend to the Propagation of Religion, and the great Increaſe of Trade to his Majeſties Realmes and Advauncemente of the publique Plantacon: The ſaid Councell haue further given and graunted, bargained, ſold, enfeoffed, allotted, aſſigned, and ſett over; and by theſe Preſentes doe cleerely and abſolutely give, graunte, bargaine, ſell, alien, enfeoffe, allott, aſſigne, and confirm vnto the ſaid William Bradford, his Heires, Aſſociatts, and Aſſignes, All that Tracte of Lande or Parte of *New Englande* in *America* aforeſaid, which lyeth within or betweene, and extendeth itſelf from the vtmoſt Limitts of *Cobbiſeconte*, alias *Comuſce-conte*, which adioineth to the River of *Kenebeke*, alias *Kenebekike*, towards the Weſtern Ocean, and a Place called the Falls att *Nequamkike*, in *America* aforeſaid, and the Space of

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fifteene Engliſhe Miles on each Side of the ſaid River commonly called *Kenebek* River, and all the ſaid River called *Kenebek*, that lies within the ſaid Limitts and Bounds eaſtward, weſtward, northward, or ſouthward laſte aboue menconed; and all Grounds, Soyles, Riuers, Waters, Fiſhinges, Hereditaments, and Profitts whatſoeuer, ſcituate, lyinge and beinge, ariſinge, happeninge, or accrueinge, or which ſhall ariſe, happen, or accrue, in or within the ſaid Limitts and Boundes, or either of them; togeather with free Ingreſſe, Egreſſe, and Regreſſe with Shipps, Boates, Shallops, and other Veſſels from the Sea commonly called the Weſterne Ocean, to the ſaid Riuer called *Kennebek*, and from the ſaid Riuer to the ſaid Weſterne Ocean; togeather with all Prerogatives, Rights, Royalties, Juriſdiccons, Priuiledges, Franchiſes, Liberties and Ymunities; and alſo marine Liberty, with the Eſcheats and Caſualties thereof (the Admiralty Juriſdiccon excepted) with all the Intereſt, Right, Title, Claim, and Demaund whatſoever which the ſaid Councell and their Succeſſors now haue, or ought to haue and claime, or may haue and acquire hereafter in or to any the ſaid Porcons or Tractes of Land hereby menconed to be graunted, or any the Premiſſes, in as free, large, ample, and beneficiall Manner to all Intents, Conſtruccons, and Purpoſes whatſoeuer, as the ſaid Councell by Vertue of his Majeſties ſaid Letters-pattents may or can graunte. To HAVE AND TO HOLDE the ſaid Tracte and Tractes of Lande, and all and ſinguler the Premiſſes abovemenconed to be graunted, with their and every of their Appurtenances, to the ſaid William Bradford, his Heires, Aſſociatts, and Aſſignes for ever, to the only proper and abſolute Vſe and Behoofe of the ſaid William Bradford, his Heires, Aſſociatts, and Aſſignes for ever; YEELDINGE and paying vnto our ſaid Soueraigne Lord the Kinge, his Heires and Succeſſors for ever, one-fifte Parte of the Oare of the Mines of Gold and Siluer, and one other fifte Parte thereof to the Preſidente and Councell, which ſhalbe had, poſſeſſed, and obtained within the Precincts aforeſaid, for all Services and Demaunds whatſoever. And the ſaid Councell doe further graunte and agree to and with the ſaid William Bradford, his Heires, Aſſociates, and Aſſignes, and every of them, his and their Factors, Agents, Tenants, and Servants, and all ſuch as he or they ſhall ſend and employ aboute his ſaid particular Plantacon, ſhall and may, from tyme to tyme, freely and lawfully goe and returne, trade and traffique, as well with the Engliſhe, as any of the Natiues within the Precincts aforeſaid; with Liberty of fiſhing vpon any Parte of the Seacoaſte and Sea-ſhores of any of the Seas or Iſlands adiacent, and not beinge inhabited, or otherwiſe diſpoſed of by Order of the ſaid Preſidente and Councell; alſoe to importe, exporte and tranſporte their Goods and Merchandize att their Wills and Pleaſuers, paying only ſuch Duty to the King's Majeſtie, his Heires and Succeſſors, as the ſaid Preſidente and Councell doe or ought to pay without any other Taxes, Impoſitions, Burdens, and Reſtraints vppon them to be impoſed. And further, the

ſaid Councell doe graunte and agree to and with the ſaid William Bradforde, his Heires, Aſſociats, and Aſſignes, That the Perſons tranſported by him or any of them ſhall not be taken away, ymployed, or commanded, either by the Governor for the Tyme beinge, of *New Englande*, or by any other Authority there, from the Buſines and Employmente of the ſaid William Bradford and his Aſſociats, his Heires and Aſſignes, neceſſary Defence of the Cuntry, Preſervacon of the Peace, ſuppreſſinge of Tumults within the Lands, Trialls in Matters of Juſtice by Appeale vpon ſpetiall Occaſion only excepted. Alſoe it ſhalbe lawfull and free for the ſaid William Bradford, his Aſſociats, his Heires and Aſſignes, att all tymes hereafter, to incorporate by ſome vſuall or fitt Name and Title, him or themſelves, or the People there inhabitinge vnder him or them, with Liberty to them and their Succeſſors, from tyme to tyme to frame and make Orders, Ordinances, and Conſtitucons, as well for the better Governemente of their Affaires here, and the receavinge or admitting any to his or their Society; as alſoe for the better Government of his or their People and Affaires in *New Englande*, or his and their People att Sea in goeinge thither, or returninge from thence, and the ſame to putt or cauſe to be putt in Execucon by ſuch Officers and Miniſters as he and they ſhall authoriſe and depute; Provided that the ſaid Lawes and Orders bee not repugnante to the Lawes of Englande, or the Frame of Governmente by the ſaid Preſidente and Councell here after to be eſtabliſhed. And further it ſhalbe lawfull and free for the ſaid William Bradford, his Heires, Aſſociats, and Aſſignes, to tranſporte Cattle of all Kindes, alſoe Powder, Shott, Ordnance and Munitcon, from tyme to tyme as ſhalbe neceſſary for their ſtrength and ſafety hereafter, for their ſeverall Defence to encounter, expulſe, repell, and reſiſte by Force of Armes, as well by Sea as by Lande, by all waies and Meanes whatſoever; and by Virtue of the Authority to Us derived by his ſaid late Majeſtie's Letters-pattents, to take, apprehend, ſeize, and make prize of all ſuch Perſons, their Shipps and Goods, as ſhall attempt to inhabit or trade with the ſauage People of that Cuntry within the ſeueral Precincts and Limitts of his and their ſeueral Plantacon, or ſhall enterpriſe or attempt att any tyme Deſtruccon, Invaſion, Detrimente, or Annoyance to his and their ſaid Plantacon, the one Moiety of which Goods ſoe ſeized and taken, it ſhall be lawful for the ſaid William Bradford, his Heires, Aſſociats and Aſſignes, to take to their owne Vſe and Behoofe; the other Moyety thereof to be delivered by the ſaid William Bradford, his Heires, Aſſociats, and Aſſigns, to ſuch Officer and Officers, as ſhall be appointed to receave the ſame for his Majeſtie's Vſe. And the ſaid Councell do hereby covenante and declare, that it is their Intente and Meaninge for the good of this Plantacon, that the ſaid William Bradford, his Aſſociats, or their Heires or Aſſignes, ſhall have and enjoy whatſoeuer Priuiledge or Priuiledges of what kinde ſoeuer, as are expreſſed or intended to be graunted in and by his ſaid late Majeſtie's Letters-pattents, and that in as large

and

and ample manner as the ſaid Councell thereby now may or hereafter can graunte (coyninge of Money excepted): And the ſaid Councell, for them and their Succeſſors, doe covenante and graunte to and with the ſaid William Bradford, his Heires, Aſſociats, and Aſſignes, by theſe Preſents, that they the ſaid Councell ſhall, at any tyme hereafter, vppon Requeſt att the only proper Coſts and Charges of the ſaid William Bradford, his Heires, Aſſociats, and Aſſignes, do, make, ſuffer, execute, and willingly conſent vnto any further Acte or Actes, Conveyance or Conveyances, Aſſurance or Aſſurances whatſoever, for the good and perfect inueſtinge, aſſureinge and conveyinge, and ſure-makinge of all the aforeſaid Tracte and Tractes of Lande, Royalties, Mines, Mineralls, Woods, Fiſhinges, and all and ſinguler their Appurtenances vnto the ſaid William Bradford, his Heires, Aſſociates and Aſſignes, as by him or them, or his or their Heires and Aſſignes, or his or their Councell learned in the Lawe, ſhall be deviſed, adviſed and required. *And laſtly, know yee*, that wee the ſaid Councell have made, conſtituted, deputed, authoriſed and appointed Captaine *Myles Standiſh*, or in his abſence, *Edward Winſlowe*, *John Howlande*, and *John Alden*, or any of them, to be our true and lawfull Attorney and Attornies, iointly and ſeuerally, in our Name and Stead, to enter into the ſaid Tracte and Tractes of Lande, and other the Premiſſes, with their Appurtenances, or into ſome parte thereof, in the Name of the whole, for us, and in our Names to take poſſeſſion and ſeiſin thereof; and after ſuch poſſeſſion and ſeiſin thereof, or of ſome parte thereof, in the Name of the whole had and taken then for vs and in our Names to deliver the full and peaceable poſſeſſion of all and ſinguler the ſaid menconed to be granted premiſſes vnto the ſaid William Bradford, his Heires, Aſſociats, and Aſſignes, or to his or their certaine Atturney or Atturnies in that Behalf, ratifying, allowinge, and confirminge all whatſoeuer our ſaid Atturney ſhall doe in or about the premiſſes. *In Witneſs* whereof, the ſaid Councell eſtabliſhed at Plymouth, in the County of Devon, for the plantinge, ruleinge, orderinge, and gouerninge of *New Englande* in *America*, *Have* herevnto putt their Seale, the Thirteenth Day of January, in Fifte Yeare of the Raigne of our Soueraigne Lord *Charles*, by the Grace of God, Kinge of England, Scotland, Fraunce, and Ireland, Defender of the Faithe, &c. Anno Dmi. 1629.

R. WARWICK.

A large Seal, appendant by a Label of Parchment.

Endorſed.—The within named John Aldin, authoriſed as Attorney for the within menſioned Counſill, haveing in their name and ſtead entered into ſome parte of the within menſioned Tracts of Land, and other the premiſſes, in the name of the whole, and for them, and in theire Names taken poſſeſſion and ſeazin thereof, did in the Name of the ſaid Counſill, deliver the full and peacable poſſeſſion and ſeazin of all and ſingular

gular the within menſioned to be graunted premiſſes vnto William Bradford, for him, his Heires, Aſſociates, and Aſſignes; Secundum formam Cartæ.

In Preſence of
JAMES CUDWORTH,
WILLIAM CLARK,
NAHANIEL MORTON, *Secretary.*

A true Copy of the Original now in my Poſſeſſion,

Atteſt. JOHN COTTON,
Regiſter and Keeper of Plymouth Colony Records.

AN ABSTRACT *of the* MUSCONGUS *or* LINCOLN GRANT.

[Records of Deeds, Province of Main. Lib. 10. Fo. 236.]

THE Council eſtabliſhed at Plymouth in the County of Devon, &c. "for divers good Cauſes—grant—unto John Beauchamp of London, Gentleman, and Thomas Leverett of Boſton, in the County of Lincoln, Gentleman, all and ſingular thoſe Lands," &c. "in New England—ſituate—within or between a "Place thence commonly called or known by the Name of Muſrongruſs towards the "South, or ſouth-weſt, and a ſtreight Line extending from thence directly ten Leaugs "—up—into the maine Land, and contains theree toward the great Sea, com-"monly called the South Sea, and the utmoſt Limitts of the Space ten Leauges "on the North and north-eaſt of a River in New England aforeſaid, "commonly called Penobſcott, towards the North, and north-eaſt, and great Sea "commonly called the Weſtarn Ocean, towards the Eaſt, and a ſtrait and direct "Line extending from the moſt weſteran Part and Point of the ſaid Straight Line, "which extends from Mecongoſs aforeſaid towards the South Sea, to the uttermoſt "Nottheram Limmitts of the ſaid ten Leagues on the north ſide of the ſaid River "of Penobſcott towards the weſt, and all Landand Ground, Wood, Soiles," &c. "that ly and bee within the Space of * three Miles within the Space of ſaid "Land

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* Perhaps this Part which appears obſcure may be elucidated by a Reference to a ſubſequent Grant (dated Auguſt 14th 1719) from John Leverett, Great-grandſon of Thomas Leverett, one of the Grantees above-mentioned, in which this is particularly recited. The Words there are "*on the north Side of the ſaid River of "Penobſcott towards the Weſt, together with all Iſlands that ly and bee within the Space of three Miles of the ſaid "Lands and Premiſſes, or any of them, with the Soils,*" &c.

There are evident Marks of Careleſſneſs in recording the Grant from the Council of Plymouth.

" Land and Premiſſes or any of them; To have and to hold the—Premiſſes—unto the
" ſaid John Beauchamp and Thomas Leverett, their Heirs, Aſſociates, and Aſſigns
" for ever—to their Uſe—to be holden of the King's—Majeſty—as of his Manner of
" Eaſt-Greenwich by Fealtie only and not in Capite nor by Length of Service, yeild-
" ing—unto his Majeſty—the fifth Part of" the " Oare of Gold and Silver—gotten
" upon the Premiſſes."—Dated the thirteenth Day of March 1629."

(Signed)

R. WARWICK.

A Seal appendant.

THE HVMBLE REQVEST *of his Majeſties Loyall Subjects, the Governour and the Company late gone for* NEW ENGLAND; *to the Reſt of their Brethren in and of the Church of England; for the obtaining of their Prayers, and the Removall of Suſpicions, and Miſconſtructions of their Intentions.*

[Hubbard's M. S. Hiſtory, Fo. 94.]

REVEREND FATHERS AND BRETHREN,

THE generall Rumour of this ſolemn Enterpriſe, wherein ourſelves with others, through the Providence of the Almightie, are engaged, as it may ſpare us the Labour of imparting our Occaſion unto you, ſoe it gives us the more Incouragement to ſtrengthen ourſelves by the Procurement of the Prayers and Bleſſings of the Lord's faithful Servants: For which End wee are bold to have Recourſe unto you, as thoſe whom *God* hath placed neareſt his Throne of Mercy; which as it affords you the more Opportunitie, ſoe it impoſeth the greater Bond upon you to intercede for his People in all their Straights; wee beſeech you therefore by the Mercies of the LORD JESVS to conſider us as your Brethren, ſtanding in very great Need of your Helpe, and earneſtly imploring it. And howſoever your Charitie may have met with ſome Occaſion of Diſcouragement through the Miſreport of out Intentions, or through the Diſaffection, or Indiſcretion, of ſome of us, or rather amongſt us: for wee are not of thoſe that dreame of Perfection in this World; yet wee deſire you would be pleaſed to take Notice of the Principals, and Body of our Company, as thoſe who eſteeme it our honour to call the *Church* of *England*, from whence wee riſe, our

deare Mother, and cannot part from our native Countrie, where ſhe ſpecially reſideth, without much Sadneſs of Heart, and many Tears in our Eyes, ever acknowledging that ſuch Hope and Part as we have obtained in the common Salvation, we have received in her Boſome, and ſuckt it from her Breaſts: wee leave it not therefore, as loathing that milk wherewith we were nouriſhed there, but bleſſing God for the Parentage and Education, as Members of the ſame Body, ſhall alwayes rejoice in her Good, and unfeignedly grieve for any Sorrow ſhall ever betide her, and while we have Breath, ſincerely deſire and indeavour the Continuance and Abundance of her Welfare, with the Inlargement of her Bounds in the Kingdome of CHRIST JESVS.

Be pleaſed therefore *Reverend* FATHERS *and* BRETHREN to helpe forward this Worke now in Hand; which if it proſper, you ſhall bee the more glorious, howſoever your Judgment is with the LORD, and your Reward with your GOD. It is an uſuall aud laudable Exerciſe of your Charity, to comend to the Prayers of your Congregations the Neceſſities and Straights of your private Neighbours: Doe the like for a Church ſpringing out of your owne Bowells. We conceive much Hope that this Remembrance of us, if it be frequent and fervent, will be a moſt proſperous Gale in our Sailes, and prouide ſuch a Paſſage and Welcome for Us, from the God of the whole Earth, as both we which ſhall finde it, and yourſelves, with the reſt of our Friends, who ſhall heare of it, ſhall be much inlarged to bring in ſuch daily Returnes of Thankſgivings, as the Specialties of his Providence and Goodneſs may juſtly challenge at all our Hands. You are not ignorant, that the Spirit of GOD ſtirred up the Apoſtle *Paul* to make continual Mention of the Church of Phillippi (which was a Colonie from Rome) let the ſame Spirit, we beſeech you, put you in Mind, that are the Lord's Remembrancers, to pray for us without ceaſing (who are a weake Colony from yourſelves) making continuall Requeſt for us to GOD in all your Prayers.

What we intreat of you that are the Miniſters of God, that we alſo crave at the Hands of all the Reſt of our Brethren, that they would at no Time forget us in their private Solicitations at the Throne of Grace.

If any there be, who through Want of cleare Intelligence of our Courſe, or tenderneſſes of Affection towards us, cannot conceive ſo much of our Way as we could deſire, we would intreat ſuch not to deſpiſe us nor to deſert us in their Prayers and Affections, but to conſider rather, that they are ſo much the more bound to expreſſe the Bowels of their Compaſſion towards us, remembering alwaies that both Nature and Grace, doth ever Binde us to relieve and reſcue with our utmoſt and ſpeedieſt Power, ſuch as are deare unto us, when wee conceive them to be running uncomfortable Hazards.

What Goodnes you ſhall extend to us in this or any other Chriſtian Kindneſſe, wee your Brethren in CHRIST JESVS ſhall labour to repay in what Dutie wee are

or

or ſhall be able to performe, promiſing, ſo farre as God ſhall enable us, to give him no Reſt on your Behalfes, wiſhing our Heads and Hearts may be Fountains of Teares for your everlaſting Welfare, when we ſhall be in our poor Cottages in the Wilderneſſe, over-ſhadowed with the Spirit of Supplication, through the manifold Neceſſities and Tribulations which may not altogether unexpectedly, nor, we hope, unprofitably befall us. And ſo commending you to the Grace of GOD in CHRIST, wee ſhall ever reſt,

Your aſſured Friends and Brethren,

From Yarmouth, aboord
the Arabella, April 7, 1630.

John Winthrope, Gov.
Charles Fines,
George Phillips.
&c.

Rich: Saltonſtall.
Iſaac Johnſon.
Tho: Dudley.
William Coddington.
&c.

GRANT *from Sir* WILLIAM ALEXANDER *to Sir* CLAUDE ST. ESTIENNE.

[Records of Suffolk County, Maſſachuſetts, Lib. No. 3. Fo. 265.]

IN the Name of God, Amen. Know all thoſe who theſe Letter-pattents ſhall ſee, or ſhall heare read, that vpon this preſent thirtie Day of Aprill, in the Yeare of our Lord One Thouſand Sixe Hundred and Thirtie, before me Joſh. Maynet, Notary and Tabellion Royall, dwelling in London, admitted and ſworne by the Authoritie of our Soueraigne-Lord the King, and in the Preſence of the Witneſſes herevnder named, were preſent in Perſon, my Lord William Alexander, Knight, Lord of Menſtrie, and Chiefe Secretary of State for the Kingdome of Scotland, for his ſaid Majeſtie of Great Bretany, Priuy Counſellor of State, and Lieutenant unto his ſaid Majeſtie in New Scotland in America, on the one part; who, haueing by Letters-pattents from his ſaid Majeſtie, vnder the Great Seale of Scotland, the Donation of all the ſaid Countrey of New Scotland, called by the French, the Countrey of Accadye in America, vnto him and his Heyres in Fief and perpetuall Inheritance, bearing Date the Tenth of the Moneth of September, in the Yeare One Thouſand Sixe Hundred Twentie and One, he hath out of the Reſpect

and Amitie which he beareth vnto Sir CLAUDE DF SAINCT ESTIENNE, Knight, Lord of La Tour, and of Vuarre, and vnto Charles de Sainct Eſtienne, Eſq. Lord of Sainct Denicourt, his Sonne, on the other Parte, the ſaid Sir Claude de St. Eſtienne being preſent, accepting, and by theſe Preſents ſtipulating for his ſaid Sonne Charles being abſent, and for their Heyres, and as well for the Merit of theire Perſons, and for theire Aſſiſtance to the better Diſcouery of the ſaid Countrey, and vpon other Conſideracons, the ſaid Lord Alexander hath giuen, and by theſe Preſents franckly and freely doth giue vnto the ſaid Knight de La Tour, and vnto his ſaid Sonne, and vnto theire Heyres, they ſeeing Cauſe, perpetually and foreuer to diſpoſe of as of theire owne Propertie, true and loyall Acqueſt and Conqueſt, all the Country, Coaſts and Iſlands, from the Cape and River of Ingogon, nere vnto the Clouen Cape, in the ſaid New-Scotland, called the Coaſt and Countrey of Accadye, following the Coaſt and Iſlands of the ſaid Countrey towards the Eaſt vnto Port de la Tour, formerly named L'omeroy, and further beyond the ſaid Port, following along the ſaid Coaſt vnto Mirliqueſche nere vnto and beyond the Port and Cape of L'Heue, drawing forward fifteen Leagues within the ſaid Lands towards the North, of all the which ſaid Lands and Seas, the ſaid Knight de la Tour and his Sonne, ſhall receive all the Fruits, Profits, Emoluments, that may provene generally and whatſoeuer, as of theire owne proper and loyal Acqueſt, in all Right and Juriſdiction and priuiledges whatſoeuer, as much or more then any Marquiſs, Earle, or Baron holds or rayſeth from the Crowne of Scotland, according to the Laws or Letters-pattents vnto the ſaid Lord Alexander, and vnto them graunted by the Kings of Scotland, within the which Countrey, Lands and Seas aboue named, they may make, build and erect Villages, Townes, and Caſtles, and Fortreſſes, as they ſhall ſee good, which ſaid Knight de la Tour, and his ſaid Sonne, ſhall hold and enjoye all the ſaid Country here aboue within the ſaid Limitts named, from the King, and the Succeſſion of the ſaid Crowne of Scotland, in Fief and Title of Honor, and Right of Inheritance *with** the ſaid Sir William Alexander to them, by Vertue of the Power to him, by the ſaid Pattents giuen, hath erected and entitled by two Barronnies, namely the Baronny of Sainct Eſtienne, and the Baronny of de la Tour, which may be limitted and bounded equally betweene the ſaid Knight de la Tour and his ſaid Sonne, if they ſhall ſee cauſe, vpon Condition that the ſaid Knight de la Tour and his ſaid Sonne, as he hath promiſed, and for his ſaid Sonne by theſe Preſents doth promiſe to be good and faithfull Vaſſalls of the ſaid Soveraigne Lord the King of Scotland, and † *theire* heyres and Succeſſors; and to giue vnto him all Obedience and Aſſiſtance to the reduceing of the People of the ſaid Countrey, and to entertaine good Amitie and

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* I apprehend this ſhould be *which*.

† *his*.

and Correſpondencie with the ſaid Lord Alexander, and his Heyres, and all his Subjects which there ſhall be planted and reſident, and ſhall maintaine good and faithfull Societie and Vnion, and the Reſpect due vnto the ſaid Lord Alexander, as vnto the Lieutenant of the King, the ſaid Lord Alexander promiſeing alſo on his Part Amitie, Societie, Correſpondency, Aſſiſtance and Protection, from his ſaid Majeſtie, and from himſelfe his Lieutenant. Furthermore, and ouer and aboue the ſaid Lord Allexander graunteth vnto the ſaid Knight de la Tour, and vnto his ſaid Sonne, and unto their Heyres and Succeſſors and Aſſignes foreuer, the Right of Admiraltie in all the Extent of theire ſaid Lands and Limitts. The ſaid Lord Allexander, and Knight de la Tour, to hold and fulfill the Contents of what is aboue, without euer in any Sort whatſoeuer violating thereof, and vpon the obliging of all their Goods preſent and to come, vpon the Penaltie of the Ordinances appointed by the Lawes eſtabliſhed on the one Part, and the other to the Violater hereof, the ſaid Lord Allexander promiſeing ouer and aboue, to make, or cauſe to be made, more ample Writing in good and due Forme, according and conformably vnto the ſaid Letters-pattents vnto him graunted by his ſaid Majeſtie, whereof a Coppy collationed with the Originall, ſhall be giuen unto the ſaid Knight de la Tour, and his ſaid Sonne; and the ſaid LordAllexander ſhall cauſe theſe Preſents to be agreed vnto, and ratified by his ſaid Majeſtie, vnder the Great Seale of Scotland, if Need ſhall require: In Witnes of the Truth hereof, there are two Writings of the ſame Tenor, made and indented, which each Partie hath reſpectiuely ſigned, ſealed, and deliuered, this made and paſſed in Martin's Lane, nere vnto this Cittie of London, in the Preſence of Sir Alexander Strachan, Baronet of Thornton, George Anguſh, Peter James, and Richard Grimes, Witneſſes hereunto called and admitted.

Signed,

W. ALEXANDER. A little Seale.

PETER JAMES.

A. STRACHAN,
RICH. GRAMES,
The Mark A of
GEORGE ANGUSH,

A Great Seale in green Wax affixed, and pendant below.

In Teſtimony of the Premiſſes, I the aboue named Notary being required, have ſigned this preſent Inſtrument, with my Manuall vſuall Signe. I doe approue of theſe Words (theire Heires and Rich. Grimes) being interlined.

Endorced

Endorced.

WEE the the Vnder-ſigners, doe certifie that Joſh: Maynet, who hath vnder-ſigned this Inſtrument here before written with his owne Hand, is a Notary Royall, dwelling at London by the Authoritie of the King our Soveraigne, ſworne and admitted, and that full Faith and Credit ought to be giuen both in Judgement and out of the ſame vnto the Acts, Inſtruments, and other Writings by him ſo under-ſigned, made at London, the 30th Day of Aprill, 1630.

CAROLUS DEMETRIUS, Not. Pub.

THO. DE WAINTER, Not. Pub.

This Deede before mentioned being tranſlated hath beene read, and compared with the Originall in French by mee, and I finde it no Way differing in Subſtance therefrom. 27: 6: 1659.

JO: ENDECOTT, Governor.

[The foregoing *Record* has not the Signature of the Perſon of whom it is certified, that he is a "Notary Royall," but the Record of "the Originall in French," (which now is hardly, if at all legible, on Account of the Peculiarity of the Orthography, and numerous contractions) is ſigned

JOSHUA MANIET, Not. Pub. Cur.

1630.

A GENERAL COURT *holden at* BOSTON *the* 19*th of October*, 1630.

[Maſſachuſett's Records.]

FOR the Eſtabliſhing of the Government it was propounded, if it were not the beſt Courſe that the Freemen ſhould have the Power of chuſing Aſſiſtants when there are to be choſen, and the Aſſiſtants from among themſelues to chuſe a Gouernour and Deputy Gouernour; who with the Aſſiſtants ſhould have the Power of making Laws, and chuſing Officers to execute the ſame. This was fully aſſented unto by the general Vote of the People and Erection of Hands.

A PRO-

A PROCLAMATION *forbidding the diſorderly trading with the Salvages in* NEW ENGLAND *in* AMERICA, *eſpecially the furniſhing the Natives in thoſe and other Partes of* AMERICA *by the Engliſh, with Weapons and Habiliments of Warre.*

[Rymer, Vol. XIX. P. 210. A. D. 1630.]

WHEREAS a Proclamation was heretofore publiſhed by our deere Father, *King James*, of bleſſed Memorie, in the *Twentieth Yeare of his Reigne*, for the better Supportation and Reiglement of the Plantations within our Territories of *New England* in *America*, whereby amongſt diverſe other Things, the inſuiferable Abuſes committed by divers interlopeing and irregular Merchants, and diſobedient Fiſhermen and Marriners were prohibited, whoe, ſeeking only their preſent and private Profitt, did trade with the Salvages of that Country, and to the greate Prejvdice and danger of our loveing Subjects the Planters there, did barter away to the Salvages, Swordes, Pikes, Muſketts, Fowling Peeces, Match, Powder, Shott, and other warlike Armes, Weapons, and Munition, and teach them the Uſe thereof, not onely to their own preſent Ruyne (divers of them having been ſlaughtered by the barbarous People, with their own Weapons formerly ſould by them) but alſoe to the greate Hazard of the Lives of the *Engliſh* already planted there, and to the apparent Deſtruction of that hopefull Plantation : Wee being informed that theſe Abuſes are ſtill continued to thc endangering of that Plantation, and that the like Abuſes are likewiſe practiſed in other Forraigne Plantations, out of our princely Care for the proſperity of theſe Colonies, which being well governed, may be of great Uſe to this Nation; for the Reformation and Prevention of theſe and the like Enormities for the future, and to the End that the Royall Graunt of our late Father, to the Preſident and Councell of *New England* aforeſaid, may be mainteyned and upholden; and that the planters there, and Aduenturers thither, may be encouraged by all good Waies and Meanes to proceed in their worthie Deſignes, have thought it fitt, and doe hereby ſtraightly charge and commaund, that none of our Subjects whatſoever (who are not Adventurers, Inhabit ers, or Planters, authoriſed by our Preſident and Councell for *New England*, according to the ſaid Letters-Patents, doe preſume from henceforth to frequent thoſe Coaſts to trade and traffique at all with the natiue People of thoſe countries, or to intermeddle with the Woods or Grounds of any of the Planters, or *Engliſh* Inhabitants there, otherwiſe then by the Lycence of the ſaid Preſident and Councell, or for the neceſſary Uſe of their Fiſhing on thoſe Coaſts, in which Caſe of Fiſhing, or under Cullor thereof, they are not to uſe anie

Trade

Trade or Traffique there, nor to challenge any Right to the Soyle there, or the Woods growing or being therein; and eſpecially Wee do charge and commaund, that neither any Interlopers, Fiſhermen or Marriners, or any other of our Subjects whatſoever being of the ſaid Companie of *New England*, or otherwiſe, doe at any time hereafter dare to ſell, barter, or any Waies to deliver or convey unto any of the Salvages or Natives of *America*, where any of our *Engliſh* Colonies are or ſhall be planted, any Weapons or Habiliments of War, of any Kind whatſoever, or to teach them or any of them the Uſe of Guns, or how to make or amend them, or any thing belonging to them, upon Paine of our high Indignation, and the Confiſcation, Penalties and Forfeitures expreſſed in the ſaid royal Graunt of our ſaid Father, wherein we ſhall proceed againſt thoſe who have offended or ſhall offend in anie of the Premiſſes, in ſuch Manner and Meaſure as the qualitie of their Offences ſhall deſerve. And yet further, Wee leave it to the Diſcretion of the ſaid Preſident and Councell for *New England*, and to other the Governors and Councell in any other foreigne *Engliſh* Colonie, in their ſeverall Places reſpectively, to proceed againſt the Offendors in any the Kyndes aforeſaid, according to the Powers already graunted unto them, and according to our Lawes in that Behalfe.

Given at our Court at Whitehall, the *fower-and-twentieth Day of November.*

PER IPSUM REGEM.

A SPECIAL COMMISSION *to* EDWARD *Earle of* DORSETT, *and others, for the better Plantation of* VIRGINIA.

[Rymer, Vol. XIX. Page 301. A. D. 1631.]

CHARLES, by the Grace of God, *King of England, Scotland, France and Ireland*, Defendor of the Faith, &c. To our right truſtie and welbeloved Coſens and Councellors, *Edward Earle of Dorſett*, Lord Chamberlaine to out deareſt Conſort the Queen, *Henry Earle of Danbye*, and *Dudley Viſcount Dorcheſter*, one of our principall Secretaries of State, To our right Truſtie and welbeloved Counſellor Sir *John Coke*, Knight, one other of our principal Secretaries of State, To our truſtie and welbeloved Sir *John Davers*, Knight, Sir *Robert Killigrew*, Knight, Chamberlaine to our deareſt Conſort the Queen, Sir *Thomas Rowe*, Knight, Sir *Robert Heath*, Knight, our Attorney Generall, Sir *Heneage Finch*, Knight, Recorder of our Cittie of London, Sir *Dudley Digges*, Knight, Sir *John Wolſtenholme*,

 Knight

Knight, Sir *Francis Wiatt*, Knight, Sir *John Brooke*, Knight, Sir *Kenelme Digbye*, Knight, Sir *John Zouch*, Knight, *John Bankes*, Eſquire, *Thomas Gibb*, Eſquire, *Samuel Rot*, Eſquire, *George Sands*, Eſquire, *John Wolſtenholme*, Eſquire, *Nicholas Farrar*, Eſquire, *Gabriel Barber*, Eſquire, and *John Farrar*, Eſquire, Greeting; Whereas diverſe and ſundry Commiſſions have beene iſſued heretofore, under the Greate Seale of *England*, touching the Plantation in *Virginia*, to ſome of you and others, which have taken not that good Effect hitherto which was expected; and whereas Wee intend, for the better Advancement of that Plantation, that ſome ſettled Courſe may be adviſed upon and eſtabliſhed, as well for the ſettling of the Intereſt of the preſent Planters and Adventurers there, as for the incouraging of ſuch others, as ſhall and will be willing to become Planters aud Adventurers there hereafter, and for their better Directions how to imploye their Tyme and Endeavours for the general Good of this Kingdom, as well as for their own particular Benefit: Knowe yee that Wee, repoſeing eſpecial Truſt and Confidence in the approved Wiſdomes, Dexterities, Experiences, Fidelities, and Integrities of you the ſaid *Earle of Dorſet*, *Earle of Danbye*, *Viſcount Dorcheſter*, *Secretarie Coke*, *Sir John Davers*, *Sir Robert Killigrewe*, *Sir Thomas Rowe*, *Sir Robert Heath*, *Sir Heneage Finch*, *Sir Dudley Digges*, *Sir John Wolſtenholme*, *Sir Francis Wyatt*, *Sir John Brooke*, *Sir Kenelme Digbye*, *Sir John Zouche*, *John Bankes*, *Thomas Gibb*, *Samuel Rott*, *George Sands*, *John Wolſtenholme*, *Nicholas Farrar*, *Gabriel Barber*, *and John Farrar*, have nominated, conſtituted, aſſigned, and appointed, and by theſe Preſents doe nominate, conſtitute, aſſigne, and appoint you, or any fower or more of you to be our Commiſſioners: Giveing, and by theſe Preſents granting unto you, or any fower or more of you, full Power and Authoritie, from tyme to tyme, to conſider howe, and in what Manner and Sort, the Eſtate of that Plantation of our Colonye or Plantation of *Virginia* hath beene formerly? And alſoe what Commodities have beene there from tyme to tyme advanced and raiſed, ſince the plantinge thereof until this Tyme; and how the Eſtate thereof ſtandeth at this preſent: And wee doe alſoe give unto you, or any fower or more of you, full Power and Authority, from tyme to tyme to treat upon and conſider what Commodities may from tyme to tyme be advaunced and raiſed in thoſe Parts, which may be more profitable and advantagious for the ſaid Colonye and Plantation. And further, to the end the ſaid Colonye or Plantation may be the better advanced hereafter, Wee doe hereby give unto you, or any fower or more of you, full Power and Authoritie to conſider, propoſe, and ſet down from tyme to Tyme, by what good Wayes or Meanes, or in what Manner the ſaid Plantation or Colonye may be from tyme to tyme better advaunced and ſettled in future tymes: And for the better Performance of this our Service, Wee doe hereby give unto you, or any fower or more of you, full Power and Authoritie to call unto you, or any fower or more of you, ſuch Perſon or Per-

ſons as you, or any fower or more of you, in your Diſcretions ſhall think fitt for your better Information in the Premiſſes; and with them, or any of them, from tyme to tyme to conſult and treat, that thereby yee may be the better inſtructed in any Thinge touching the Premiſſes. And further our Will and Pleaſure is, that you our ſaid Commiſſioners, or any fower or more of you, after dewe Conſiderations and Deliberations had and debated by you, or any fower or more of you, concerning the Premiſſes, doe preſent unto Us your Proceedings in or concerning the Premiſſes from tyme to tyme; together with ſuch Propoſitions as you, or any fower or more of you, from tyme to tyme ſhall ſett downe and propound, for the ſettling of the Intereſt of the preſent Planters and Adventurers there, and encouraging of ſuch as ſhall be willing to become Planters and Adventurers in that Place, to the end Wee may thereupon from tyme to tyme declare our further Pleaſure concerning the Premiſſes as Wee ſhall ſee beſt. And laſtly our Will and Pleaſure is, that this our Commiſſion ſhall continue in Force, notwithſtanding the ſame be not from tyme to tyme continued by Adjournement. In Witnes, &c.

Witnes Ourſelf at *Weſtminſter*, the ſeaven-and-twentieth Day of *June*

Per Breve de Privato Sigillo.

LITERÆ *continentes Promiſſionem Regis ad tradendum Caſtrum et Habitationem de* KEBEC *in* CANADA *ad Regem Francorum.*

[Rymer, Vol. XIX. P. 303. A. D. 1631.]

CAROLUS, Dei Gratia, *Magne Britannie, Francie et Hibernie*, Rex, Fidei Defenſor, &c. Omnibus haſce viſuris Salutem: Quandoquidem omnino juſtum equum et neceſſarium judicamus, ut jam tandem Pax et Concordia, nuper inter nos et *Regem Chriſtianiſſimum*, Fratrem noſtrum chariſſimum concluſa, priſtinum Vigorem et effectum recuperent, atque ideo omnes Differencie et Difficultates, que hactenus hinc inde interciderunt inter noſtra Regna et Subditos, mutuo redintegrata et perfecta Reconciliatione utriuſque removeantur et aboleſcant: In quem Finem nos, inter alias Conditiones ex noſtra Parte preſtandas, conſenſimus Reſtitutionem facere Fortilicii ſeu Caſtri & Habitationis in *Kebec* in *Canada*, que Die decimo nono *Julii* Anno milleſimo ſexcenteſimo viceſimo nono, nempe poſt Pacem jam ante, Menſe *Aprilis* preſidentis publicatam, et quidem Vigore Diplomatis ſeu Commiſſionis, ſub magno *Anglie* Sigillo (Bello adhuc flagrante) conceſſe, capta et occupata fuerunt: Nos Promiſſorum, atque Verbi noſtri Regii Fidem, quibuſcunque Refractoriis Rationibus et Objectionibus

bu- hac ſuper Re illatis aut inferendis, anteferentes hiſce Literis aſſerimus et in Verbo regio promittimus, nos precepturos, curaturos & effecturos, ut a noſtris in dicto Fortilicio ſive Caſtro & Habitatione *Kebec* ſubſiſtentibus ſubditis, ſive Milites Preſidiarii, ſive Coloni et Incole ibidem morentur, aut habitent quam primum noſtre Juſſionis Litere a Deputatis vel Commiſſariis, qui eaſdem a prefato noſtro Fratre chariſſimo *Rege Chriſtianiſſimo* eo amanandi habebunt, offerende ipſis erunt exhibite et perlecte, atque redeundi facultas data, dictum Caſtrum ſeu Fortilicium et Habitatio in *Kebec*, et quidem in eodem Statu quo extiterunt, cum eadem fuerunt capta et occupata, atque cum omnibus tum Temporibus ibidem inventis Armis, Tormentis Mercibus et Utenſilibus ſine ulla Exceptione, et ſine ulla Demolitione aut Deſtructione Munimentorum aut Edificiorum dicto Occupationis Tempore, ibi exiſtentibus ; Inſuper etiam ſi quid inde fuerit ablatum aut avectum, idem ſive in Specie ſive Valore Denique omnia et quecunque ibidem inventa fuiſſe, docebit Schedula, ex Teſtibus Sacramento obſtrictis excepta, et mutuo eorum Conſenſu collecta, penes quos utriuſque, dicto Loco et Tempore, *Kebec* occupati Rerum fuit Authoritas, bona Fide et ſincere, reddantur, reſtituantur et retribuantur. In cujus Rei Teſtimonium haſce Literas Manu noſtra et magno Regni noſtri *Anglie* Sigillo ſignare et confirmari voluimus. Que dabantur ex Palatio noſtro *Grenovici*, Die viceſſimo nono *Junii*, Anno Salutis ſupra milleſimum ſexcenteſſimum, triceſimo primo, et Regni noſtri ſeptimo.

Per ipſum Regem propria Manu ſignatum.

An *Abſtract of the* Pemaquid Grant.

[Records of the Province of Maine.]

" THE nine-and-twentieth Day of February, 1631" " the Preſident and Council of New-England," " in Conſideration that" " Robert Alſworth and " Gyles Elbridge have and will tranſport, and doth undertake to tranſport, at their " owne Coſt and Charges, divers Perſons into New England, and there to erect and " build a Town and ſe e divers Inhabitants," " grant, aſſign, allot, and appoint to " the ſaid Robert Aldworth and Gyles Elbridge, their Heirs and Aſſigns, and every " of them, one hundred Acres of Ground for every Perſon ſo by them or any of " them tranſported, or that ſhall now or hereafter be tranſported," " within the " Space of ſeven Yeares next enſuing, that ſhall abide or continue three Yeares, either " at one or ſeveral Times, or dye in the mean Seizon after he or they are ſhipped

 " with

" with an Intent there to inhabit the ſame Lands to be taken and choſen" " in any " Place adjacent to" " twelve thouſand Acres of Land hereafter mentioned to be " granted, and not lately granted, ſettled, and inhabited by any Engliſh, and wherein " no Engliſh Perſon or Perſons are already placed or ſettled Together with free Li- " berty to fiſh in and upon the Coaſt of New England, in all Havens, Ports, Ri- " vers and Creeks thereunto belonging and not granted to any others." They further grant " unto the ſaid Robert Aldworth and Gyles Elbridge, their Heirs and " Aſſigns, twelve thouſand Acres of Land, moreover and above the aforeſaid Pro- " portion of one hundred the Perſon for every Perſon tranſported or to be tranſ- " ported" " as their proper Inheritance for ever," " to be laid out near the River " commonly called" " *Pemaquid*" " next adjoining to the Place where the Peo- " ple or Servants of the ſaid Robert Aldworth and Gyles Elbridge are now " ſettled, or have inhabitted for the Space of three Years laſt paſt; and the ſame to " be taken and choſen together and not ſtragling, both along the Sea Coaſt as the " Coaſt lieth, and ſo up the River as far as may contain the ſaid twelve thouſand " Acres within the ſaid Breadth and Length," " Together alſo with all the Iſlands, " Iſlets within the Limitts next adjoining the ſaid Land butting within the Li- " mits aforeſaid, three Leagues into the Main Ocean: YIELDING AND PAYING un- " to our Sovereign Lord the King, hisHeirs and Succeſſors, one fifte Part of all the " Gold and Silver Oar to be found" "on the Premiſſes or any Part thereof, and one " other fifte Part of the ſame to theſaid Preſident and Councill" "and their Succeſſors " for ever. AND alſo yielding and paying to the ſaid Preſident and Councill in the " Name of all other" " Demands whatſoever for every hundred Acres arrable Lands " ſo obtained by the ſaid Robert Aldworth and Gyles Elbridge, their Heirs and " Aſſigns" " and thoſe ſaid other Perſons, their Heirs and Aſſigns, the yearly Rent " of two Shillings of lawfull Money of England" " to the Rent-Gatherer of the ſaid " Preſident and Council" " when lawfully demanded." " And it ſhall be lawful " for the ſaid Undertakers and Planters" " to trade in all lawful Commodities with " the Salvages in any Part of New England, or neighbouring thereabouts." " As " alſo to hunt, hawke, fiſh, or fowle, in any Place, now or hereafter by any Eng- " liſh inhabited." "And the ſaid Preſident and Councell covenant with the ſaid Ro- " bert Aldworth and Gyles Elbridge, their Heirs,&c. that they" ſhall not be taken " from their own Imployments by any Governour or other there to be eſtabliſhed, " but only for the publick Defence of thoſe Countries, or Suppreſſion of Rebellion, " Riots or Routs, or other unlawful Aſſemblies. And further it is covenanted" that upon lawful Survey made, and lawful Information given of the Bounds and Quantity of the Land by the ſaid Undertakers to be poſſeſſed, and the Return of this Grant, the Preſident and Council will make them a new Grant of the ſaid Lands bounded as aforeſaid, with all the Privileges above granted; and upon Re-

queſt

queſt made to the ſaid Preſident and Councill within the Term of ſeven Years, will grant to the ſaid Robert Aldworth and Gyles Elbridge, their Heirs, &c. Letters of Incorporation by ſome fit Name, with Liberty to them and their Succeſſors to make Laws for the Government of all Perſons to be ſettled upon the Lands hereby granted, or hereafter to be granted, and in the mean time it ſhall be lawful for them, their Heirs and Aſſigns to eſtabliſh ſuch Laws as are for "the bet-
"ter Government of ſuch Perſons ſo tranſported, and the ſame by ſuch Officer
"or Officers as they ſhall by moſt Voices elect and chooſe to put in Execution:
"and that it ſhall be lawful for the ſaid Robert Aldworth and Gyles Elbridge, their
"Heires and Aſſigns," "to encounter and reſiſt by Force of Arms, as well by Sea
"as by Land—and to take and make Prize of to their own Uſe and Behoof, all ſuch
"Perſons, their Ships and Goods, as without the ſpecial Licence of the ſaid Pre-
"ſident and Council, and their Succeſſors, or the great Part of them ſhall attempt
"to inhabit or trade with any of the Salvage People of that Country within the Li-
"mits of their ſaid Plantation—or attempt Deſtruction, Invaſion, or Annoyance to
"the ſaid Plantation. And further that it ſhall be lawful for the ſaid Robert Ald-
"worth and Gyles Elbridge, their Heirs," &c.—"to tranſport ſuch Powder, Shott,
"Proviſion and Ordinance as ſhall be neceſſary for their Defence"—And fur-
ther—"that the ſaid Robert Aldworth and Gyles Elbridge, their Heirs," &c.
"ſhall * any Time hereafter aliene theſe Premiſes or any Part thereof to any for-
"rain Nations or to any Perſon whatſoever, without the Licence of the ſaid Pre-
"ſident and Councill, their Succeſſors and Aſſigns, except it be to their own Te-
"nants, on Pain of Forfeiture of the Land ſo aliened, to the Uſe of the ſaid Pre-
"ſident and Councill." And the Preſident and Councill empowered Capt. Walter Neale and Richard as their Attornies, to enter upon the Land and deliver "Poſſeſ-
"ſion and Seizin unto the ſaid Robert Aldworth and Gyles Elbridge, or to their
"Attorney—ratifying whatſoever their ſaid Attorney ſhould do in the Premiſſes.
"In Witneſs whereof the Preſident and Council ſet their Seal to one Part of the In-
"dentures, and Robert Aldworth and Gyles Elbridge ſet their Hands and Seals to
"the other.

(Signed) *R. Warwick.* (Seal) FERD: GORGE.

"Md.

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* *not at* ſeems to be wanting here.

" Md. The Poſſeſſion of all the Lands contained in this Pattent was delivered by " me Walter Neale unto Abraham Shurte to the Uſe of Robert Aldworth and Gyles " Elbridge, Merchants of the City of Briſtol, this 27th of May, A. D. 1633.

WA: NEALE.

" Witneſs to the Delivery of the ſaid Poſſeſſion,"

THOMAS CAMMOCK.
CHRISTOPHER BURNHEAD.
GEORGE NEWMAN.
WILLIAM HOOKE.
ROBERT KNIGHT."

A COPY *of the Old Patent for Connecticut.*

[Examination, and Vindication, of the Connecticut Title to Lands Weſt of New-York.]

" TO all People to whom this preſent Writing may come, Robert, Earl of Warwick, ſendeth Greeting in our Lord God everlaſting.—Know ye, that " the ſaid Robert, Earl of Warwick, for divers good Cauſes and Conſiderations " him thereunto eſpecially moving, hath given, granted, bargained, ſold, aliened, " and confirmed, and by theſe Preſents doth give, &c. unto the right honourable " William Viſcount Say and Seal, the right honourable Robert Lord Brook, the right " honourable Robert Rich, and the honourable Charles Fiennes, Eſq. Sir Natha- " niel Rich, Knight, Sir Richard Saltonſtall, Knight, Richard Knightly, Eſq; John " Pymm, Eſq; John Hampden, Eſq; John Humphreys, Eſq; and Herbert Pelham, " Eſq; their Heirs and Aſſigns, and their Aſſociates for ever, all that Part of
1631. " New England, in America, which lies and extends itſelf from a River there " called Naraganſet River, the Space of forty Leagues upon a ſtraight Line, " *near* the Sea Shore, toward the *South-Weſt*, *Weſt-and-by-South* or *Weſt* as the " Coaſt lieth towards Virginia, accounting three Engliſh Miles to the League, and " alſo all and ſingular the Lands and Hereditaments whatſoever, lying and being " within the *Lands* aforeſaid, North and South in Latitude and Breadth, and in " Length and Longitude, *of*, and *within*, all the Breadth aforeſaid, throughout " the main Lands there, from the Weſtern Ocean to the South Sea, and all Lands " and Grounds, Place and Places, Soil, Wood and Woods, Grounds, Havens, " Ports, Creeks and Rivers, Waters, Fiſhings and Hereditaments whatſoever, lying " within

" within the ſaid Space, and every Part and Parcel thereof.—And alſo all Iſlands " lying in America aforeſaid, in the ſaid Seas, or either of them on the weſtern or " eaſtern Coaſts, or Parts of the ſaid Tracts of Lands by theſe Preſents mentioned " to be given, granted, &c. and alſo all Mines and Minerals, as well, royal Mines " of Gold and Silver, as other Mines and Minerals whatſoever, in the ſaid Land " and Premiſſes, or any Part thereof, and alſo all the ſeveral Rivers within the " ſaid Limits, by what Name or Names ſoever called or known, and all Juriſdic- " tions, Rights, and Royalties, Liberties, Freedoms, Immunities, Powers, Pri- " vileges, Franchiſes, Prehemencies, and Commodities whatſoever, which the ſaid " Robert Earl of Warwick now hath or had, or might uſe, exerciſe, or enjoy, in " or within any Part or Parcel thereof, excepting and reſerving to his Majeſty, his " Heirs and Succeſſors, one fifth Part of Gold and Silver Ore. To have and to " hold the ſaid Part of New England, in America, which lies and extends, and is " abutted as aforeſaid, and the ſaid ſeveral Rivers, and every Part and Parcel there- " of, and all the ſaid Iſlands, &c. to them the ſaid Viſcount Say and Seal, &c. their " Heirs and Aſſigns, and their Aſſociates to their only proper and abſolute Uſe and " Behoof for evermore. In Witneſs whereof the ſaid Robert, Earl of Warwick, " hath hereunto ſet his Hand and Seal, 19th March, 1631.

ROBERT WARWICK." (Seal.)

Signed, &c. in Preſence of
Walter Williams.
Thomas Howſon.

TRAITÈ *entre le Roi* LOUIS XIII. *et* CHARLES *Roi d'Angleterre, pour la Reſtitution de la* NOUVELLE FRANCE, *la* CADIE & CANADA, *et des Navires & Merchandiſes, pris de Part & d'autre.*

[Rymer, Vol. XIX. P. 361. A. D. 1631.]

ART. III. DE la part de ſa Majeſtè de la *Grand Bretagne* ledit Sieur Ambaſſadeur, en vertu du pouvoir qu'il a lequel ſera inſerè en fin des preſentes, a promis et promet, pour et au nom de ſadite Majeſté, de rendre et reſtituer a ſa Majeſté tres Chrêtienne tous les lieux occupees en la *Nouvelle France*, la *Cadie*, et *Canada* par les ſujets de ſa Majeſté de la *Grande Bretagne*, iceux faire retirer deſdits lieux et pour cet effet ledit Sieur Ambaſſadeur dêlivrera lors de la paſſation

et ſignature des preſentes aux Commiſſaires du Roi tres Chrêtien, en bonne forme le pouvoir qu'il a de ſa Majeſté de la *Grande Bretagne* pour la Reſtitution deſdits lieux enſemble les Commandemens de ſadite Majeſté a tous ceux qui commandent dans le Port Roiall, Fort de *Guebec*, et *Cap Breton*, pour être leſdits Places et Fort rendus et remis és mains de ceux qu'il plaira a ſa Majeſté Tres Chrêtienne ordonner, huit Jours après que leſdits Commandemens auront eſté notifiés a cieux qui commandent, ou commanderont eſdits leeux, lidit temps de huit Jours leur eſtant donné pour retirer cependant hors des dits lieux, Places et Forts, leurs armes, bagages, merchandizes, or, argent, Utanciles, et generalement tout ce qui leur appartient; auſquels et a tous ceux qui ſont eſdits lieux eſt donné le Terme des trois ſemaines apres leſdits huit jours expirés, pour durant icelles, ou plûtôt ſi faire ſe peut, rentrer en leurs Navires avec leurs Armes, Munitions, Bagages, Or, Argent, Pelleteries, et generalementa tout ce qui leur appartient pour delà ſe retirer en Angleterre ſans ſéjourner davantage eſdits Pais.

REGULATION *of Government agreed upon at* BOSTON.

[Maſſachuſetts Records.]

A General Court holden at Boſton, May 9, 1632.

IT was generally agreed upon by Erection of Hands, that the Governour, Deputy Governour and Aſſiſtants ſhould be choſen by the whole Court of Governour, Deputy Governor and Aſſiſtants, and Freemen, and that the Governour ſhall alwayes be choſen out of the Aſſiſtants.

At a General Court holden at Boſton, May 14, 1634.

IT is agreed that none but the General Court hath Power to chuſe and admit Freemen.

That none but the General Court hath Power to make and eſtabliſh Laws, nor to elect and appoint Officers as Governour, Deputy Governour, Aſſiſtants, Treaſurer, Secretary, Captain, Lieutenants, Enſigns, or any of like Moment, or to remove ſuch upon Miſdemeanour, as alſo to ſett out the Dutyes and Powers of the ſaid Officers.

That none but the Generall Court hath Power to raiſe Money and Taxes, and to diſpoſe of Lands, viz. to give and confirm Proprieties.

It was further ordered, That the Conſtable of every Plantation ſhall upon Precept received from the Secretary, give timely Notice to the Freemen of the Planta-

tion where he dwells, to ſend ſo many of their ſaid Members as the Precept ſhall direct, to attend upon publick Service. And it is agreed, that no Tryal ſhall paſs upon any for Life, or Baniſhment, but by a Jury ſo ſummoned, or by the General Court.

It is likewiſe ordered, that there ſhall be four Generall Courts held yearly, and to be ſummoned by the Governour for the Time being, and not to be diſſolved without the Conſent of the major Part of the Court.

It was further ordered, that it ſhall be lawfull for the Freemen of every Plantation, to chuſe two or three of each Town before every Generall Court, to confer of, and prepare ſuch publick Buſineſs as by them ſhall be thought fitt to conſider of at the next Generall Court, and that ſuch Perſons as ſhall be hereafter ſo deputed by the Freemen of ſeverall Plantations, to deal in their Behalf, in the publick Affairs of the Commonwealth, ſhall have the full Power and Voices of all the ſaid Freemen derived to them for the making and eſtabliſhing of Lawes, granting of Lands, &c. and to deal in all other Affairs of the Commonwealth wherein the Freemen have to do, the Matter of Election of Magiſtrates and other Officers only excepted, wherein every Freeman is to give his own Voice.

At the Generall Court holden at Newtown, March 3, 1635.

A COMMISSION granted to ſeverall Perſons to govern the People at Connecticutt for the Space of a Year now next coming, an Exemplification whereof enſueth.

Whereas upon ſome Reaſon and Grounds there are to remove from this our commonwealth and Body of the Mattachuſetts in America, diverſe of our loving Friends, Neighbours, Freemen and Members of Newton, Dorcheſter, Watertown, and other Places, who are reſolved to tranſplant themſelves and their Eſtates, unto the River of Connecticutt, there to reſide and inhabit, and to that end diverſe are there already, and diverſe others ſhortly to go; We in this preſent Court aſſembled on the Behalf of our ſaid Members, and John Winthrop, jun. Eſq. Governour appointed by certain noble Perſonages and Men of Quality intereſted in the ſaid River, which are yet in England, on their Behalf, have had a ſerious Conſideration thereon, and think it meet, that where there are a People to ſitt down and cohabit, there will follow upon Occaſion ſome Cauſe of Difference, and alſo diverſe Miſdemeanors which will require a ſpeedy Redreſs; and in Regard of the Diſtance of Place, this State and Government cannot take Notice of the ſame as to apply timely Remedy, or diſpence equal juſtice to them and their Affairs as may be deſired: And in Regard the ſaid noble Perſonages, and Men of Quality, have ſomething ingaged themſelves and

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It is likewiſe ordered, that there ſhall be four Generall Courts held yearly, and to be ſummoned by the Governour for the Time being, and not to be diſſolved without the Conſent of the major Part of the Court.

It was further ordered, that it ſhall be lawfull for the Freemen of every Plantation, to chuſe two or three of each Town before every Generall Court, to confer of, and prepare ſuch publick Buſineſs as by them ſhall be thought fitt to conſider of at the next Generall Court, and that ſuch Perſons as ſhall be hereafter ſo deputed by the Freemen of ſeverall Plantations, to deal in their Behalf, in the publick Affairs of the Commonwealth, ſhall have the full Power and Voices of all the ſaid Freemen derived to them for the making and eſtabliſhing of Lawes, granting of Lands, &c. and to deal in all other Affairs of the Commonwealth wherein the Freemen have to do, the Matter of Election of Magiſtrates and other Officers only excepted, wherein every Freeman is to give his own Voice.

At the Generall Court holden at Newtown, March 3, 1635.

A COMMISSION granted to ſeverall Perſons to govern the People at Connecticutt for the Space of a Year now next coming, an Exemplification whereof enſueth.

Whereas upon ſome Reaſon and Grounds there are to remove from this our commonwealth and Body of the Mattachuſetts in America, diverſe of our loving Friends, Neighbours, Freemen and Members of Newton, Dorcheſter, Watertown, and other Places, who are reſolved to tranſplant themſelves and their Eſtates, unto the River of Connecticutt, there to reſide and inhabit, and to that end diverſe are there already, and diverſe others ſhortly to go; We in this preſent Court aſſembled on the Behalf of our ſaid Members, and John Winthrop, jun. Eſq. Governour appointed by certain noble Perſonages and Men of Quality intereſted in the ſaid River, which are yet in England, on their Behalf, have had a ſerious Conſideration thereon, and think it meet, that where there are a People to ſitt down and cohabit, there will follow upon Occaſion ſome Cauſe of Difference, and alſo diverſe Miſdemeanors which will require a ſpeedy Redreſs; and in Regard of the Diſtance of Place, this State and Government cannot take Notice of the ſame as to apply timely Remedy, or diſpence equal juſtice to them and their Affairs as may be deſired: And in Regard the ſaid noble Perſonages, and Men of Quality, have ſomething ingaged themſelves and

 their

their Eſtates in the Planting of the ſaid River, and by Vertue of a Patent do require Juriſdiction of the ſaid Place and People, and neither the Minds of the ſaid Perſonages (they being wrote unto) are as yet known, nor any Manner of Government is yet agreed on; and there being a Neceſſity as aforeſaid, that ſome preſent Government may be obſerved, We therefore think meet, and ſo order, that Roger Ludlow, Eſq; William Pinchon, Eſq; John Steele, William Swaine, Henry Smith, William P William Weſtwood, and Andrew Ward, or the greater Part of them, ſhall have full Power and Authority to hear and determine in a judicial Way, by Witneſſes upon Oath examine within the ſaid Plantation, all thoſe Differences which may ariſe between Party and Party, as alſo upon Miſdemeanour to inflict corporal Puniſhment, or Impriſonment, to fine, and levy the ſame, if Occaſion ſo require; to make and decree ſuch Orders, for the Preſent, that may be for the peaceable and quiet Ordering the Affairs of the ſaid Plantation, both in trading, planting, building, Lotts, Military Diſcipline, defenſive War (if need ſo require) as ſhall beſt conduce to the publick Good of the ſame; and that the ſaid Roger Ludlowe, William Pinchon, John Steele, William Swain, Henry Smith, William Phelps, William Weſtwood, Andrew Ward, or the greater Part of them, ſhall have Power, under the greater Part of their Hands, at a Day or Days by them appointed, upon convenient Notice, to convent the ſaid Inhabitants of the ſaid Towns to any convenient Place that they ſhall think meet in a legal and open Manner, by Way of Court, to proceed in Execution of the Power and Authority aforeſaid: And in Caſe of preſent Neceſſity, two of them joining together, to inflict corporal Puniſhment upon any Offender, if they ſee good and warrantable Ground ſo to do: Provided always that this Commiſſion ſhall not extend any longer Time than one whole Year from the Date thereof; and in the mean time it ſhall be lawfull for this Court to recall the ſaid Preſents, if they ſee Cauſe, and if ſoe be there may be a mutual and ſettled Government condeſcended unto by and with the good Liking and Conſent of the ſaid noble Perſonages or their Agent, The Inhabitants and this Commonwealth, provided alſo that this may not be any Prejudice to the Intereſt of thoſe noble Perſonages in the ſaid River, and Confines thereof, within their ſeverall Limitts.

LETTER

LETTER *from* JOHN MASON, et al. *to* AMBROSE GIBBENS.

[New-Hampſhire Records.]

Mr. AMBROS GIBBENS,

LONDON, *the 5th December*, 1632.

YOUR ſondery Letters wee haue reſeued. Wee do take Notis of your Caſe and Paines in our Plantatyon, and doe wiſh that others had bin that Waye the ſame that you are, and will, wee hope, ſo continew. The Aduenturers heere haue bin ſo diſcouradged by Reſon of John Gibbes ill deleing Voidges, as allſo by the ſmall Returns ſent hether by Captain Nele, Mr. Herbert, or anny of there Factors, as that they haue no Deſier to proſeid anny farther vntill Captain Neale com hither to confer with them, that by Conferens with him thay may ſettle Thinges in a better Order. We haue written vnto Captain Neale to diſmis the Houſhold only, ſutch as will or can live of themſelues may ſtaye vpon our Plantatyon, in ſuch convenient Places as Captain Neale, Mr. Godfree, and you ſhall thinke fitt, and after Conference had here with Captain Neale, they ſhall have a reſonable quantyty of Lands granted vnto them by Deede: Wee praye you Mr. Godfree and Mr. Wannerton, to take Care of our Conſerns, and that you would joyne lovingly together in all Thinges for our Good, and to aduize vs what our beſt Cource will be to doe another Yer. You deſier to ſettle your ſelfe upon Sander's Point; the Aduenturers are willinge to pleſe you not only in this, in Regard of the Good Reporte they haue heard of you from time to time, but allſo after they haue confered with Captain Neale, they determen ſom further Good towards you for your further Incoradgement.

Wee deſier to haue our Fiſher-men increſed, whereof wee haue written vnto Mr. Godfree; wee thanke you for aſſiſtinge John Raimand; wee praye you ſtill for to be helpfull vnto him, that ſo hee may diſpatch and come to vs with ſuch Returns as hee hath, and if hee haue anny of his trade Goods remaineinge vnſould, wee haue willed him to leve them with you; and wee doe hereby praye you to reſeue them in to your Cuſtody, and to putt them of with what conuenienſy you can, and to ſend vs the Re-

turnes by the firſt Shipp that commeth. Thus wee comend you and your Wife to the Protectyon of the Almightie.

Your Lovinge Frends,

JOHN MASON,
HENRY GARDNER,
GEORGE GRIFFITH,
THO. WANNERTON,
THO. EYRE, for my Children.

A true Copia taken from the Oregenall, and recorded according to the Oregenall, 30th January, 1706.

Per WILLIAM VAUGHAN, Recorder.

COPY *of a* LETTER *from Mr.* WINTHROP, *Governor of the* MASSACHUSETS, *to Mr* BRADFORD, *Governor of* PLYMOUTH, *alſo the Copy of an Order of his Majeſty's Council.*

[Hutchinſon's Original Papers, P. 52.]

SIR,

UPON a Petition exhibited by Sir Chriſtopher Gardiner, Sir Ferdinando Gorges, Captain Maſon, &c. againſt you and us, the Cauſe was heard before the Lords of the Privy Council, and afterwards reported to the King; the Succeſs whereof makes it evident to all, that the Lord hath Care of his People here: The Paſſages are admirable and too long to write. I heartily wiſh for an opportunity to impart them to you, being many Sheets of Paper; but the Concluſion was againſt all Mens Expectation, an Order for our Incouragement, and much Blame and Diſgrace upon the Adverſaries, which calls for much Thankfulneſs from us, all which we purpoſe (God willing) to expreſs in a Day of Thankſgiving to our mercifull God (I doubt not but you will conſider if it be not fitt for you to joyne in it) who as he has humbled us by our late Correction, ſo he hath lifted us up by an abundant rejoycing in our Deliuerance out of ſo deſperate a Danger; ſo as that which our Enemies built their

Hopes

Hopes upon, to ruine us by, he hath mercifully diſpoſed to our great Advantage, as I ſhall further acquaint you when Occaſion ſhall ſerve.

The COPIE of the ORDER follows.

At the Court at Whitehall, January 19, 1632.

Sigillum Creſcent.

Lord Privy Seale
Earle of Dorſet
Lord Viſcount Faulkland
Lord Biſhop of London
Lord Cottington
Mr. Trevers
Mr. Vice Chamberlaine
Mr. Secretary Cooke
Mr. Secretary Windebank.

WHEREAS his Majeſty hath lately been informed of great Diſtraction and Diſorder in the Plantations in the Parts of America called New England, which if they be true, and ſuffered to run on, would tend to the Diſhonour of this Kingdom, and utter Ruine of the Plantation: For Prevention whereof, and for the orderly ſettling of Government, according to the Intentions of thoſe Patents which have been granted by his Majeſty, and from his late Royal Father King James, it hath pleaſed his Majeſty that the Lords and others of his moſt honourable Privy Council ſhould take the ſame into Conſideration. Their Lordſhips in the firſt Place thought fitt to make a Committee of this Board to take Examinations of the Matters informed. Which Committee have called divers of the principal Adventurers in that Plantation, and heard thoſe that are Complainants againſt them, moſt of the Things informed being denied, and reſting to be r oved, by Parties that muſt be called from that Place, which required a long Expence of Time, and at preſent their Lordſhips finding, they were upon Diſpatch of Men, Victuals, and Merchandize for that Place, all which would be at a Stand if the Adventurer ſhould have Diſcouragement, or take Suſpicion, that the State here had no good Opinion of that Plantation; their Lordſhips not laying the Fault or Fancies (if any be) of ſome particular Men, upon the general Government or principal Adventurers, which in due Time is further to be enquired into, have thought fitt in the mean Time to declare, that the Appearances were ſo fair and hopes ſo great, that the Country would prove both beneficial to this Kingdom, and profitable to the Particulars, as that the Adventurers had cauſe to go on chearfully with their Undertakings, and reſt aſſured, if Things were carried as was pretended when the Patents were granted, and accordingly as by the Patent is appointed, his Majeſty would not only maintaine the Liberties and Priviledges heretofore granted, but ſupply any Thing further that might tend to the good Government, Proſperity and Comfort of his People there of that Place, &c.

PLYMOUTH

PLYMOUTH TAX LIST.

[Plymouth Records, 1633.]

ACCORDING to an Order in Court, held the 2d of Jan. in the ninth Yeare of the Raigne of our Sov. Lord Charles, by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c. The Perſons heereunder menconed were rated for publick Uſe by the Governour and Mr. Thomas Prence, Mr. William Bradford, Captain Myles Standiſh, John Howland, Stephen Hopkins, John Done, William Gilſon, William Collier, Joh. Jenney, Robert Heeks, Jonathan Brewſter, Kenelm Wynſlow, and Stephen Deane: To be brought in by each Perſon as they are heerunder written rated in Corne at 6ſo per Buſhell, at or before the laſt of November next enſuing to ſuch Place as ſhall be heerafter appointed to receive the ſame; and for Default heerof, the Value to be doubled, and accordingly levied by the publick Officer, for that End.

	£.	s.	d.
EDWARD WYNSLOW,	2	5	0
Mr. Will. Bradford,	1	7	0
Capt. Myles Standiſh,	0	18	0
Mr. Will. Brewſter,	1	7	0
Iſaack Allerton,	1	16	0
Joh: Howland,	1	4	0
Joh: Alden,	1	4	0
Steph. Hopkins,	1	10	0
Mr. Will. Collier,	2	5	0
Joh. Done,	1	7	0
Joh. Jenney,	1	7	0
Jonath. Brewſter,	1	4	0
Will. Gilſon,	1	7	0
Robt. Heeks,	0	12	0
John Winſlow,	0	18	0
Manaſſeh Kempton,	0	18	0
John Coombs,	0	9	0
Phineas Pratt,	0	9	0
George Sowle,	0	9	0
Tho. Clarke,	1	7	0
Nicholas Snow,	0	12	0
William Baſſet,	1	7	0
Experience Michaell,	0	9	0
Edward Dowty,	0	18	0
Widow Browne,	0	9	0
Widow Fuller,	0	9	0
Samuell Fuller,	0	9	0
Humphrey Turner,	0	9	0
Samuell Edy,	0	9	0
Will. Palmer,	0	18	0
Will. Palmer, junior,	0	9	0
James Cole,	0	9	0
John Holmes,	0	18	0
John Barnes,	0	18	0
John Fance,	0	9	0
Tho. Pope,	0	9	0
John Shaw,	0	9	0
Widow Adams,	0	9	0
Abm. Peirce,	0	9	0
Francs. Billington,	0	9	0
Francs. Cooke,	0	9	0
John Cooke,	0	9	0

Mr.

	£.	s.	d.
Mr. Hatherlies Men,			0
Edward Banges,	0	12	0
John Browne,	0	9	0
Stephen Tracy,	0	18	0
Widow Warren,	0	9	0
Robt. Bartlet,	0	9	0
Anthony Annable,	0	9	0
Fran: Sprague,	0	18	0
John Dunham,	0	9	0
Roger Chandler,	0	9	0
Samuel Naſh,	0	9	0
Stephen Deane,	0	12	0
Rich. Sparrow,	0	9	0
Will. Latham,	0	9	0
Richard Higgens,	0	12	0
Edward Foſter,	0	9	0
Kenelme Wynſlow,	0	18	0
John Hewes,	0	9	0
Nathaniel Morton,	0	9	0
John Bowman,	0	9	0
John Cooke, ſenior,	0	9	0
Moſes Symonſon,	0	9	0
Rowley,	0	18	0
Henry Howland,	0	18	0
Phillip Delanoy,	0	9	0
Edw. Bumpaſſe,	0	9	0
Joſeph Rogers,	0	9	0
Sam. Chandler,	0	9	0
Rich. Church,	1	7	0
Will. Richards,	0	9	0
Tho. Little,	0	18	0
Ady Web,	0	9	0
Ralph Fogge,	0	12	0
Iſaack Robbinſon,	0	9	0
Joſias Cooke,	0	9	0
Walter Woodart,	0	9	0
James Hurſt,	0	9	0
Henry Cobb,	0	9	0
Richard Cloufe,	0	12	0

[The above Liſt is ſuppoſed to contain the Names of all the Perſons then in the Town of Plymouth who were liable to pay Taxes.]

The CHARTER *of* MARYLAND.

[Bacon's Edition of Laws of Maryland.]

CAROLUS Dei Gratia *Angliæ Scotiæ Franciæ* et *Hiberniæ* Rex Fidei Defenſor &c Omnibus ad quos præſentes litteræ noſtræ pervenerint *Salutem* Cum perdilectus et perquam fidelis ſubditus noſter CÆCILIUS CALVERT, Baro de *Baltimore* in Regno noſtro *Hiberniæ* Filius et Hæres GEORGII CALVERT Militis, nuper Baronis de *Baltimore* in eodem Regno *Hiberniæ* Patris inherens veſtigiis laudabili quodam et pio Chriſtianam Religionem pariter et imperii noſtri territoria dilatandi ſtudio flagrans licentiam nobis ut copioſam Anglicanæ Gentis Coloniam Induſ-

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tria ac Impenſa ſua ad certam quandam Regionem inferius deſcribendam in Terra quadam in Partibus Americæ hactenus inculta et Barbaris nullam divini numinis notitiam habentibus in Partibus occupata deducere poſſit totamq; illam Regionem cum certis quibuſdam Privilegiis et juriſdictionibus ad Coloniæ ſuæ et Regionis prædictæ ſalubre Regimen et Statum pertinentibus a regia noſtra Celſitudine ſibi et Hæredibus ſuis dari concedi et confirmari humiliter ſupplicaverit Sciatis igitur quod nos pium et nobile præfatorum Baronum de Baltimore Propoſitum et Studium Regio Favore proſequentes ex Gratia ſpeciali certa Scientia et mero Motu noſtris *dedimus conceſſimus* et *confirmavimus* et per hanc præſentem Chartam noſtram pro nobis Hæredibus et Succeſſoribus noſtris præfato *Cæcilio* modo Baroni de Baltimore Heredibus et Aſſignatis ſuis Damus, Concedimus et Confirmamus totam illam Partem Peninſulæ ſive Cherſoneſi jacentis in Partibus *Americæ* inter Oceanum ex Oriente et ſinum de *Cheſapeake* ab Occidente a Reſiduo ejuſdem per rectam Lineam a Promontorio ſive Capite Terræ vocato *Watkin's Point* juxta Sinum prædictum prope Fluvium de *Wighco* ſcituato ab Occidente uſque ad magnum Oceanum in Plaga Orientali ductam diviſam Et inter Metam illam a Meridie uſque ad Partem illam Eſtuarii de *Delaware* ab Aquilone quæ ſubjacet quadrageſimo Gradui Latitudinis Septentrionalis ab Æquinoctiali ubi terminatur *Nova Anglia* totumque illius Terræ Tractum infra Metas ſubſcriptas (videlicet) Tranſeundo a dicto Æſtuario vocato *Delaware-Bay* recta Linea per Gradum prædictum uſque ad verum Meridianum primi Fontis Fluminis de *Pattowmack* deinde vergendo verſus Meridiem ad ulteriorem dicti Fluminis Ripam et eam ſequendo qua Plaga occidentalis ad Meridionalem ſpectat uſque ad Locum quendam appellatum *Cinquack* prope ejuſdem Fluminis Oſtium ſcituatum ubi in præfatum Sinum de *Cheſſopeake* evolvitur ac inde per Lineam breviſſimam uſque ad prædictum Promontorium ſive Locum vocatum *Watkins' Point* Ita quod totus Terræ Tractus per Lineam prædictam inter magnum Oceanum et *Watkin's Point* diviſus uſque ad Promontorium vocatum *Cape Charles* et ſingula ſua Appenditia Nobis Hæredibus et Succeſſoribus noſtris integre remaneant excepta Imperpetuum Nec non omnes Inſulas et Inſululas infra limites prædictos concedimus etiam et confirmamus eidem Baroni de *Baltimore* Hæredibus et Aſſignatis ſuis omnes et ſingulas Inſulas et Inſululas ab Orientali prædictæ Regionis Littore Orientem verſus in Mari natas vel naſcendas infra decem Leucas marinas ab eodem Littore ſcituatas cum omnibus et ſingulis Portubus Navium Stationibus Æſtuariis Fluminibus et Fretus ad Regionem vel Inſulas prædictas pertinentibus Omneſque Fundos Terræ Campeſtria Sylvas Montana Paludes Lacus Flumina Æſtuaria et Freta infra Metas Terminos et Limites prædictos ſcituata ſeu exiſtentia, cum cujuſcunque Generis Piſcium tam Balænarum Sturgeonum et aliorum Regalium quam aliorum in Mari Sinubus Fretis vel Fluminibus infra Premiſſa Piſcationibus et Piſcibus ibidem captis Omneſque inſuper Auri Argenti Gemmarnm et Lapidum pretioſorum et alias quaſcunque ſive Lapidum ſive Metallorum ſive alterius cujuſcunque

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dictæ Provinciæ Regimine Leges quaſcunque ſive ad Publicum ejuſdem Provinciæ Statum ſive ad privatam ſingulorum Utilitatem pertinentes juxta ſanas Diſcretiones ſuas de et cum concilio Aſſenſu et Approbatione Liberorum Hominum ejuſdem Provinciæ vel majoris Partis eorundem vel eorum Legatorum vel Deputatorum quos ad Leges condendas quum et quoties Opus fuerit a præfato modò Barone de *Baltimore* ac Hæredibus ſuis ac in Forma quæ illi vel illis melior eſſe videbitur convocari volumus condendi faciendi edendi et ſub Sigillo prædicti modò Baronis de *Baltimore* ac Hæredum ſuorum promulgandi eaſque in omnes Homines infra dictam Provinciam et Limites ejuſdem pro Tempore exiſtentes vel ſub illius vel illorum Regimine et Poteſtate *Terram Mariæ* verſus navigantes aut inde redeuntes extra vel ad Terram Angliæ vel extra vel ad aliqua alia Dominia noſtra vel aliena ubilibet conſtituta per mulctarum Impoſitionem Incarcerationem et aliam quamlibet Coercionem etiam ſi opporteat et Delicti Qualitas id exigerit per Membri vel Vitæ Privationem per ſe præfatum modò Baronem de *Baltimore* et Hæredes ſuos ſeu per Deputatum Locum-tenentem Judices Juſticiarios Magiſtratos Officiarios et Miniſtros ſuos ſecundum Tenorem ac veram Intentionem Præſentium conſtituendos et conficiendos debitè exequendi Judiceſque et Juſticiarios Magiſtratos et Officiarios quoſcunque ad quaſcunque Cauſas et cum quacunque Poteſtate et in Forma quæ præfato modò Baroni de *Baltimore* vel Hæredibus ſuis melior eſſe videbitur Terrâ illâ ac Partium illarum Mari conſtituendi et ordinandi Crimina item et Exceſſus quoſcunque contra hujuſmodi Leges ſive ante judicium acceptum ſive poſt remittendi relaxandi et pardonandi et abolendi cæteraque omnia alia et ſingula ad Juſtitiæ Complementum Curiaſque Prætoria et Tribunalia Judiciorum Formas et Procedendi modos pertinentia etiam ſi de illis expreſſa in Præſentibus non fiat mentio ac in Curiis Prætoriis et Tribunalibus illis in Actionibus Sectis Cauſis et Negotiis quibuſcunque tam Criminalibus quam Perſonalibus Realibus et Mixtis ac Prætoriis procedendi Placita tenendi et terminandi per Judices per ipſos Delegatos liberam plenam et omnimodam Tenore præſentium concedimus Poteſtatem Quas quidem Leges ſic ut præmittitur promulgandas abſolutiſſima Juris Firmitate niti et ab omnibus Hominibus Subditis et Ligeis noſtris Hæredum et Succeſſorum noſtrorum quatenus eos concernunt in Partibus illis cuſtodiri et ſub Pœnis in eiſdem expreſſis et exprimendis inviolabiliter obſervari volumus injungimus præcipimus et mandamus Ita tamen quod Leges prædictæ ſint Rationi conſonæ et non ſint repugnantes nec contrariæ ſed (quoad convenienter fieri poterit) conſentaneæ Legibus Statutis Conſuetudinibus ac Juribus hujus Regni noſtri *Angliæ* Et quoniam in tantæ Provinciæ Regimine repentini Caſus ſæpenumero contingant quibus neceſſe erit Remedium adhiberi antequam Liberi tenentes dictæ Provinciæ Legati vel Deputati ſui ad Leges condendas convocari poſſint nec idoneum erit continuò tali Caſu emergente tantum Populum convocari Idcirco pro meliori Gubernatione tantæ Provinciæ volumus et ordinamus ac per Præſentes pro Nobis Hæredibus et Succeſſoribus

ſoribus noſtris præfato modò Baroni de *Baltimore* et Hæredibus ſuis concedimus quod præfatus modò Baro de *Baltimore* et Hæredes ſui per ſe vel per Magiſtratus et Officiarios in ea Parte debitè ut præfertur conſtituendos ordinationes idoneas et ſalubres de Tempore in Tempus facere et conſtituere poſſint et valeant infra Provinciam prædictam cuſtodiendas et obſervandas tam pro Cuſtodia Pacis quam pro meliori Regimine Populi ibidem degentis eaſque omnibus quos eædem aliqualiter tangunt ſeu tangere poſſint publicè innoteſcere Quas quidem Ordinationes infra dictam Provinciam inviolabiliter obſervari volumus ſub Pœnis in eiſdem exprimendis Ita quod eædem Ordinationes ſint Rationi conſonæ et non ſint repugnantes nec contrariæ ſed (quoad convenienter fieri poteſt) conſentaneæ Legibus Statutis aut Juribus Regni noſtri *Angliæ* Et ita quod eædem Ordinationes ſe non extendant ad Jus vel intereſſe alicujus Perſonæ ſive aliquarum Perſonarum de aut in Membro Vita libero Tenemento Bonis ſeu Catallis aliqualiter aſtringendum ligandum onerandum ſeu tollendum Porro ut Nova Colonia Populi eâdem confluentis Multitudine fœlicius creſcat pariter et à Barbarorum aliorumve Hoſtium Piratorum et Prædonum Incurſibus firmius muniatur Idcirco Nos pro Nobis Hæredibus et Succeſſoribus noſtris omnibus Hominibus et Subditis noſtris Hæredum et Succeſſorum noſtrorum Ligeis præſentibus et futuris niſi quibus id ſpecialiter fuerit interdictum Se Familiaſque ſuas ad dictam Provinciam cum idoneis Navigiis et Commeatu congruo transferendi Sedeſque ſuas ibidem collocandi incolendi et inhabitandi Caſtraque et Caſtella ſeu alia Fortalitia ad præfati modò Baronis de *Baltimore* et Hæredum ſuorum Arbitrium pro Defenſione publica et ſua extruendi et muniendi Facultatem Licentiam et Libertatem damus et concedimus per Præſentes Statuto de Fugitivis vel aliis quibuſcunque in contrarium præmiſſorum in aliquo non obſtantibus Volumus etiam et ex uberiori Gratia noſtra pro Nobis Hæredibus et Succeſſoribus noſtris firmiter præcipimus conſtituimus ordinamus et mandamus quod dicta provincia de noſtra ligeancia ſit quodque omnes et ſinguli ſubditi ac Ligei noſtri Hæredum et Succeſſorum noſtrorum in præfatam provinciam deducti vel deducendi ipſorum et aliorum de ipſis deducentium Liberi ibidem ſeu jam nati ſeu impoſterum naſcendi ſint et erunt Indigenæ et Ligei noſtri Hæredum et Succeſſorum noſtrorum Regni noſtri *Angliæ* et *Hiberniæ* Ac in omnibus teneantur tractentur reputentur et habeantur tanquam fideles Ligei noſtri ac Hæredum et Succeſſorum noſtrorum infra Regnum noſtrum *Angliæ* oriundi Nec non Terras Tenementa Reventiones Servitia et alia Hereditamenta quæcunque infra Regnum noſtrum *Angliæ* ac alia Dominia noſtra hæreditare ſeu aliter perquirere recipere capere habere tenere emere et poſſidere ac eis uti et gaudere eaque dare vendere alienare et legare Ac etiam omnia Privilegia Franchefias et Libertates hujus Regni noſtri *Angliæ* libere quiete et pacifice habere et poſſidere eiſque uti et gaudere poſſint tanquam Ligei noſtri infra dictum Regnum noſtrum *Angliæ* nati ſeu oriundi abſque Impedimento Moleſtatione Vexatione Impetitione ſive Gravamine noſtri Hæredum vel Succeſſorum noſtrorum quo-

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rumcunque aliquo Statuto Actu Ordinatione ſeu Proviſione in contrarium inde non obſtante Præterea ut Subditi noſtri ad Expeditionem hanc prompto et alacri animo ſuſcipiendam incitentur ſciatis quod Nos de Gratia noſtra ſpeciali ex certa Scientia et mero motu noſtris tam præfato modò Baroni de *Baltimore* et Hæredibus ſuis quam aliis omnibus de Tempore in Tempus habitandi vel cum Incolis Provinciæ prædictæ commercium habendi Cauſa in Provinciam illam profecturis omnia et ſingula ſua Bona tam mobilia quam immobilia Merces et Mercimonia Annonam etiam Generis cujuſcunque aliaque ad Victum et Veſtitum neceſſaria quæcunque per Leges et Statuta Regnorum et Dominiorum noſtrorum extra eadem Regna deportari non prohibita in quibuſcunque Portubus noſtris Hæredum et Succeſſorum noſtrorum in Naves imponendi et onerandi et in dictam Provinciamper ſe vel Servos aut Aſſignatos ſuos traducendi abſque Impedimento vel Moleſtatione noſtri Hæredum vel Succeſſorum noſtrorum vel aliquorum Officiariorum noſtrorum Hæredum et Succeſſorum noſtrorum (ſalvis nobis Hæredibus et Succeſſoribus noſtris Impoſitionibus Subſidiis Cuſtumis et aliis pro eiſdem Rebus et Merchandiſis debitis et ſolubilibus) plenam Tenore Præſentium Licentiam damus et concedimus aliquo Statuto Actu Ordinatione aut alia Re quacunque in contrarium non obſtante Quia vero in tam longinqua Regione inter tot Barbaras Nationes poſita tam ipſorum Barbarorum quam aliorum Hoſtium Piratarum et Prædonum incurſus veriſimiliter timeri poterint Idcirco præfato modò Baroni de *Baltimore* ac Hæredibus et Aſſignatis ſuis per ſe vel per Capitaneos aut alios Officiarios ſuos omnes Homines cujuſcunque Conditionis aut undecunque oriundos in dicta Provincia de *Terra Mariæ* pro Tempore exiſtentes ad Vexilla vocandi Delectus habendi Bella gerendi Hoſteſque et Prædones prædictos Partes illas infeſtantes Terra Marique etiam ultra Provinciæ ſuæ Limites proſequendi eoſque (ſi Deus dederit) profligandi et capiendi et captos Jure Belli occidendi vel pro Arbitrio ſuo ſervandi cæteraque omnia et ſingula quæ ad Capitanei Generalis Exercitus Jus et Officium ſpectant ſeu ſpectare conſuevērint faciendi adeo plenam et liberam ac quivis Capitaneus Generalis Exercitûs unquam habuit dedimus ac pro Nobis Hæredibus et Succeſſoribus noſtris damus Poteſtatem per Præſentes Volumus etiam et per hanc Chartam noſtram præfato modò Baroni de *Baltimore* et Hæredibus et Aſſignatis ſuis Poteſtatem Libertatem et Authoritatem damus ut in Caſu Rebellionis repentini Tumultus aut Seditionis ſi quæ (quod abſit) ſive ſuper Terra infra Provinciam prædictam ſive ſuper alto Mari Itinere ad dictam Provinciam de *Terra Mariæ* faciendo vel inde redeundo oriri contigerit per ſe vel Capitaneos Deputatos aut alios Officiarios ſuos ſub Sigillis ſuis ad hoc deputandos quibus etiam nos pro nobis Hæredibus et Succeſſoribus noſtris pleniſſimam per Præſentes Poteſtatem et Authoritatem damus et concedimus adverſus Rerum novarum Partium illarum Authores ſeditioſos Regimini illius vel illorum ſe ſubtrahentes Militiam detrectantes Transfugas Emanſores Deſertores vel aliter utcunque contra Rem Morem et Diſciplinam militarem delinquentes Jure utantur militari adeo libere et in tam amplis

amplis Modo et Forma prout aliquis Capitaneus Generalis Exercitus Virtute Officii ſui eo uti poſſit aut conſuevit Porro ne Viris honeſtè natis et ſe ad præſentem Expeditionem accinƈturis ac bene de nobis et Regnis noſtris Pace et Bello mereri cupientibus in tam remota longèque diſſita Regione omnis ad Honores et Dignitates Via præcluſa et penitus obſepta eſſe videatur propterea Nos pro Nobis Hæredibus et Succeſſoribus noſtris præfato modò Baroni de *Baltimore* et Hæredibus et Aſſignatis ſuis liberam et plenariam Poteſtatem damus Favores Gratias et Honores in benemeritos Cives infra Provinciam prædiƈtam inhabitantes conferendi Eoſque quibuſcunque Titulis et Dignitatibus (modo tales non fuerint quæ in *Anglia* nunc ſunt in Uſu) pro Arbitrio ſuo decorandi Villas item in Burgos et Burgos in Civitates ad Inhabitantium Merita et Locorum Opportunitates cum Privilegiis et Immunitatibus congruis erigendi et incorporandi Cæteraque omnia et ſingula in Præmiſſis faciendi quæ illi vel illis congrua et opportuna eſſe videbuntur Etiam ſi talia fuerint quæ de ſua Natura Mandatum et Warrantum exigant magis Speciale quam in Præſentibus ſit expreſſum Volumus etiam ac per Præſentes pro nobis Hæredibus et Succeſſoribus noſtris præfato modò Baroni de *Baltimore* Hæredibus et Aſſignatis ſuis omnibuſque prædiƈtæ Provinciæ Incolis et Inhabitantibus quibuſcunque præſentibus et futuris per hanc Chartam noſtram Licentiam damus et concedimus ut Merces quaſcunque et Mercimonia ex diƈtæ Provinciæ Fruƈtibus et Commoditatibus terreſtribus vel maritimis redigenda per ſe vel per Servos Factores aut Aſſignatos ſuos in quoſcunque Portus noſtros Hæredum et Succeſſorum noſtrorum *Angliæ* aut *Hiberniæ* liƀerè inferre et exonerare aut aliter de eiſdem ibidem diſponere Et ſi Opus fuerit eaſdem Merces infra unum Annum ab Exoneratione earum continuò numerandum rurſus in Naves eaſdem vel alias onerare et in quaſcunque voluerint Regiones ſive noſtras ſive extraneas de Amicitia noſtra Hæredum et Succeſſorum noſtrorum deportare valeant Proviſo ſemper quod tales et talia Cuſtumas et Impoſitiones Subſidia et Telonia nobis Hæredibus et Succeſſoribus uoſtris inde ſolvere teneantur quales et qualia reliqui ſubditi noſtri Regni noſtri *Angliæ* pro Tempore exiſtentes ſolvere tenebuntur ultra quas et quæ præfatæ Provinciæ diƈtæ Terræ *Terra Mariæ* nuncupatæ Incolas gravari volumus Et ulterius de ampliori Gratia noſtra ſpeciali ac ex certa Scientia et mero Motu noſtris pro nobis Hæredibus et Succeſſoribus noſtris concedimus præfato modo Baroni de *Baltimore* Hæredibus et Aſſignatis ſuis plenam et abſolutam Poteſtatem et Authoritatem faciendi et erigendi et conſtituendi infra Provinciam de Terra Mariæ ac Inſulas et Inſululas prædiƈtas tot et tales Portus maritimos Navium Stationes Crecas et alia Loca Exonerationis et Depoſitionis Bonorum et Mercimoniorum è Navibus Cymbis ac aliis Vaſibus ac Onerationis in eadem et in tot et talibus Locis et cum talibus Juribus Juriſdiƈtionibus Libertatibus et Privilegiis ad hujuſmodi Portus ſpeƈtantibus prout ei vel eis melius videbitur expedire quodque omnes et ſingulæ Naves Cymbæ et alia Vaſa quæcunque Cauſa merchandizandi ad Provinciam

ciam et ex Provincia prædicta venientia et exeuntia ad hujuſmodi Portus per dictum modò Baronem de *Baltimore* Hæredes et Aſſignatos ſuos ſic erigendos et conſtituendos ſolummodo onerentur et exonerentur aliquo Uſu Conſuetudine aut aliqua alia Re in contrarium non obſtante Salva ſemper Nobis Hæredibus et Succeſſoribus noſtris et omnibus Subitis Regni noſtri *Angliæ* et *Hiberniæ* Hæredum et Succeſſorum noſtrorum Libertate piſcandi Piſcem marinum tam in Mari Æſtuariis et Fretis et Fluminibus Navigio idoneis quam in Portubus Æſtuariis et Crecis Provinciæ ante dictæ ac Privilegio ſaliendi et exſiccandi vel arefaciendi Piſces in Littoribus ejuſdem Provinciæ et ea de Cauſa Buſcam et Vimina ibidem creſcentia [illegible]idere et capere et Caſas et Tuguriola in hac Parte neceſſaria extruere prout rationabiliter hactenus uſi fuerunt aut potuerunt Quibus quidem Libertatibus et Privilegiis dicti Subditi noſtri Hæredum et Succeſſorum noſtrorum gaudebunt abſque notabili Damno vel Injuria præfatò modò Baroni de *Baltimore* Hæredibus vel Aſſignatis ſuis aut ejuſdem Provinciæ Incolis et Inhabitantibus in Portubus Crecis aut Littoribus prædictis et præſertim in Boſcis et Sylvis ibidem creſcentibus aliqualiter fienda Et ſi quis hujuſmodi Damnum fecerit aut Injuriam gravis Indignationis noſtræ Hæredum et Succeſſorum noſtrorum debitæque Legum Caſtigationis Periculum Pœnamque præter Emendationem ſubeat Volumus inſuper ſtatuimus et ordinamus ac per Præſentes pro Nobis Hæredibus et Succeſſoribus noſtris concedimus præfato modò Baroni de *Baltimore* Hæredibus et Aſſignatis ſuis quod idem Baro de *Baltimore* Hæredes et Aſſignati ſui de Tempore in Tempus in perpetuum habeant et gaudeant Telonia et Subſidia in Portubus Navium Stationibus et aliis Crecis et Locis prædictis infra Provinciam prædictam ſolubilia ſive emergentia pro Mercimoniis et Rebus ibidem onerandis et exonerandis per ipſos et Populos ibidem ut prædictum eſt Occaſione emergente rationabiliter aſſidenda Quibus eadem juſta de Cauſa debita Proportione aſſidere et inducere Telonia et Subſidia ibidem Poteſtatem pro Nobis Hæredibus et Succeſſoribus noſtris damus per præſentes Et ulterius de Gratia noſtra ſpeciali ac ex certa Scientia et mero Motu noſtris dedimus conceſſimus et confirmavimus ac per Præſentes pro Nobis Hæredibus et Succeſſoribus noſtris damus concedimus et confirmamus præfato modò Baroni de *Baltimore* Hæredibus et Aſſignatis ſuis plenam et abſolutam Licentiam Poteſtatem et Authoritatem Quod ipſe præfatus modò Baro Hæredes et Aſſignati ſui de Tempore in Tempus impoſterum imperpetuum ad ejus vel eorum Libitum et Voluntatem poſſint et valeant aſſignare alienare concedere demittere vel feoffare òremiſſorum tot tales et tantas Partes et Parcellas eas perquirere volenti vel volentibus quot quales et quantas duxerint opportunas habendum et tenendum eiſdem Perſonæ et Perſonis eas capere vel perquirere volenti et volentibus Hæredibus et Aſſignatis ſuis in Feodo ſimplici vel Feodo talliato vel pro Termino Vitæ Vitarum vel Annorum Tenendum de præfato modò Baroni de *Baltimore* Hæredibus et Aſſignatis ſuis per tot talia et tanta hujuſmodi Servitia Conſuetudines et Redditus quot quanta et qualia eidem modò Baroni

roni de *Baltimore* Hæredibus et Aſſignatis ſuis viſum fuerit vel placuerit et non de nobis Hæredibus et Succeſſoribus noſtris immediatè et eiſdem Perſonæ et Perſonis et earum cuilibet et quibuſlibet damus et per Præſentes pro Nobis Hæredibus et Succeſſoribus noſtris concedimus Licentiam Authoritatem et Poteſtatem quod tales Perſona et Perſonæ Præmiſſa ſive aliquam inde Parcellam de præfato modò Barone de *Baltimore* Hæredibus et Aſſignatis ſuis recipere poſſit et poſſint ac tenere ſibi et Aſſignatis ſuis vel Hæredibus ſuis de quocunque Statu Hæreditario in Feodo ſimplici vel Feodo talliato vel aliter prout eis et modò Baroni de *Baltimore* Hæredibus et Aſſignatis ſuis videbitur expedire de eodem Barone de *Baltimore* Hæredibus et Aſſignatis ſuis Statuto in Parliamento Domini *Edwardi* Filii Regis *Henrici* nuper Regis *Angliæ* Progenitoris noſtri edito communiter vocato "*Statutum quia Emptores Terrarum*" in Regno noſtro *Angliæ* dudum edito aut aliquo alio Statuto Actu Ordinatione Uſu Lege vel Conſuetudine aut aliqua alia Re Cauſa vel Materia in contrarium inde antehac habita facta edita ordinata ſeu proviſa in contrarium inde non obſtante Ac eidem Baroni de *Baltimore* et Hæredibus ſuis Particulas aliquas Terræ infra Provinciam prædictam in Maneria erigere et in Maneriorum eorum ſingulis habere et tenere Curiam Baronis et omnia quæ ad Curiam Baronis pertinent et viſum Franciplegii ad Conſervationem Pacis et melius Partium illarum Regimen per ſe et Seneſchallos ſuos vel aliorum Maneriorum illorum cum conſtituta fuerint Dominos pro Tempore exiſtentes deputandos habere et cuſtodire et in eiſdem omnibus uti ad Viſum Franciplegii pertinentibus Licentiam damus et concedimus per Præſentes Ac ulterius volumus ac per Præſentes pro Nobis Hæredibus et Succeſſoriqus noſtris convenimus et concedimus ad et cum præfato modò Baroni de *Baltimore* Hæredibus et Aſſignatis ſuis quod nos Hæredes et Succeſſores noſtri nullo Tempore impoſterum aliquas Impoſitiones Cuſtumas aut alias Taxationes Quotas ſeu Contributiones quaſcunque imponemus aut imponi faciemus aut cauſabimus in aut ſuper Incolas aut Inhabitantes Provinciæ prædictæ pro Bonis Terris vel Tenementis ſuis infra eandem Provinciam aut ſuper aliqua Tenementa Terras Bona ſeu Catalla infra Provinciam prædictam aut in aut ſuper aliqua Bona vel Merchandizas infra Provinciam prædictam aut infra Portus aut Navium Stationes dictæ Provinciæ onerandas ſeu exonerandas et hanc Declarationem noſtram in omnibus Curiis et Prætoriis et coram quibuſcunque Judicibus noſtris Hæredum et Succeſſorum noſtrorum pro ſufficiente et legitima Liberatione Solutione et Acquietantia inde de Tempore in Tempus recipi et allocari volumus ac pro nobis Hæredibus et Succeſſoribus noſtris jubemus et mandamus præcipientes omnibus et ſingulis Officiariis et Miniſtris noſtris Hæredum et Succeſſorum noſtrorum et ſub gravi Indignatione injungentes ne quid in contrarium Præmiſſorum ullo unquam Tempore attemptare audeant aut eiſdem ullo modo contraveniant ſed præfato modò Baroni de *Baltimore* et Hæredibus ac præfatæ Provinciæ de *Terra Mariæ* Incolis et Merca-

Mercatoribus prædictis eorumque Servis et Miniſtris Factoribus et Aſſignatis in pleniſſimo hujus Chartæ noſtræ Uſu et Fruitione omni Tempore prout decet auxilientur et aſſiſtant Et ulterius volumus ac per Preſentes pro Nobis Hæredibus et Succeſſoribus noſtris concedimus præfato modò Baroni de *Baltimore* Hæredibus et Aſſignatis ſuis et dictæ Provinciæ Terræ-tenentibus Habitatoribus præſentibus et futuris et ſingulis eorum quod Provincia prædicta Terræ-tenentes vel Incolæ ejuſdem Coloniæ aut Patriæ vel Terræ *Virginiæ* aut alicujus alterius Coloniæ deductæ vel deducendæ Membrum vel Pars de cætero non habeantur vel reputentur aut de eiſdem dependentes ſint aut Regimine ſubſint in aliquo Ipſamque et ipſos ab eiſdem ſeparamus et ſeparatos eſſe volumus per Præſentes ac quod Coronæ noſtræ *Angliæ* immediate ſint ſubjecti et de eadem dependentes imperpetuum Et ſi fortè impoſterum contingat Dubitationes aliquas Queſtiones circa verum Senſum et Intellectum alicujus Verbi Clauſulæ vel Sententiæ in hac præſenti Charta noſtra contentæ generari eam ſemper et in omnibus Interpretationem adhiberi et in quibuſcunque Curiis et Prætoriis noſtris obtinere volumus præcipimus et mandamus quæ præfato modò Baroni de *Baltimore* Hæredibus et Aſſignatis ſuis benignior utilior et favorabilior eſſe judicabitur Proviſo ſemper quod nulla fiat Interpretatio per quam ſacro-ſancta Dei et vera Chriſtiana Religio aut Ligeantia Nobis Hæredibus et Succeſſoribus noſtris debita Immutatione Prejudicio vel Diſpendio in aliquo patiantur Eo quod expreſſa Mentio * &c.

In cujus Rei &c T. R. apud *Weſtmonaſterium* XX°. Die Junii.

Per Breve de Privato Sigillo.

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* "So endeth the atteſted Copy, taken in the Year 1758, from the original Record remaining in the Chapel of the Rolls, and ſigned by HENRY ROOKE, Clerk of the Rolls . . . . . from whence the above is tranſcribed. The ſaid Copy is entitled at the Head, *Tertia Pars Patentium de Anno Regni* CAROLI *Octavo*; and at the End is written" as above beginning with *In cujus Rei*.

ORDER OF COUNCIL *upon the Diſpute between the* VIRGINIA PLANTERS *and Lord* BALTIMORE.

[Votes of the Aſſembly of Pennſylvania.]

At the Star-Chamber, Third of July 1633.

PRESENT.

Lord Keeper,
Lord Privy Seal,
Lord High Chamberlain,
Earl of *Dorſet*,
Earl of *Bridgewater*,
Earl of *Danbye*,
Lord Viſcount *Wentworth*,
Lord Viſcount *Falkland*,
Lord *Cottington*,
Mr. Secretary *Windebank*.

WHEREAS an humble Petition of the Planters in *Virginia*, was preſented to his Majeſty, in which they remonſtrate, that ſome Grants have lately been obtained, of a great Proportion of Lands and Territories within the Limits of the Colony there, being the Places of their Traffick, and ſo near the Places of their Habitations, as will give a general Diſheartening to the Planters, if they be divided into ſeveral Governments, and a Bar to that Trade which they have long ſince exerciſed towards their Supportation and Relief, under the Confidence of his Majeſty's Royal and gracious Intentions towards them, as by the ſaid Petition more largely appeareth. Foraſmuch as his Majeſty was pleaſed on the Twelfth of *May* laſt to refer to the Board the Conſideration of this Petition; that upon the Advice and Report of their Lordſhips, ſuch Order might be taken as to his Majeſty's Wiſdom ſhould ſeem beſt; it was thereupon ordered, upon the Fourth of *June* laſt, that the Buſineſs ſhould be heard the ſecond *Friday* in this Term, which was the Twenty-eighth of the laſt Month, that all Parties intereſted ſhould then attend, which was accordingly performed; and their Lordſhips having heard the Cauſe, did then order, that the Lord *Baltimore*, being one of the Parties, and the Adventurers and Planters of *Virginia* aforeſaid, ſhould meet together between that Time and this Day, and accommodate their Controverſy in a friendly Manner, if it might be; and likewiſe ſet down in Writing the Propoſitions made by either Party, with their ſeveral Anſwers, and Reaſons to be preſented to the Board this Day, which was likewiſe accordingly done. Now their Lordſhips having heard and maturely conſidered the ſaid Propoſitions, Anſwers, and Reaſons, and whatſoever elſe was alledged on either Part, did think it fit to leave the Lord *Baltimore* to his Patent, and the other Parties to the Courſe of Law, according to their Deſire; but for the preventing of further

Queſtions and Differences, their Lordſhips did alſo think fit and order, that Things ſtand as they do; the Planters on either Side ſhall have free Traffick and Commerce each with the other, and that neither Part ſhall receive any fugitive Perſon belonging to the other, nor do any Act which may draw a War from the Natives upon either of them; and laſtly, that they ſhall ſincerely entertain all good Correſpondence, and aſſiſt each other upon all Occaſions, in ſuch Manner as becometh Fellow-Subjects and Members of the ſame State.

A SPECIAL COMMISSION *to* THOMAS YOUNG, *to ſearch, diſcover, and find out what Parts are not yet inhabited in* VIRGINIA *and* AMERICA, *and other Parts thereunto adjoining.*

[Rymer, Vol. XIX. P. 472. A. D. 1633.]

CHARLES, by the Grace of God, &c. To all to whom theſe Preſents ſhall come, Greeting. Whereas our truſty and welbeloved Subject, *Thomas Young*, of *London*, Gentleman, hath humbly offered unto us, to diſcouer diuers Nations, Countries, Seas, Straights, Riuers, and Trades in *Virginia*, and other Parts of *America*, as yet undiſcouered, unfrequented, and not inhabited by any of our Subjects, nor actually in the Poſſeſſion of any Chriſtian Prince or State, to the great Benefit of Us, our Heires and Succeſſors, and of our Subjects, and hath further offered to make the ſaid Diſcoueries, without putting Us to any Charge: Know yee therefore, that Wee being graciouſly pleaſed to accept of the Endeavours of the ſaid *Thomas Young*, and willing to further and aſſiſt him therein with our Power and Royal Authority, of our eſpecial Grace, certain Knowledge, and meer Motion, do by theſe Preſents, giue unto the ſaid *Thomas Young*, and ſuch Maſters, Marriners, Sailors, and others, as will aſſociate and conſort themſelues with him in that Voyage, free Libertie and Licence, and full Power and Authority from Tyme to Tyme, and at all Tymes hereafter, under our Enſignes to diſcouer, find out, ſearch and view the Seas, Coaſts, Bays, Straights, Creeks, Riuers, and Paſſages in *Virginia*, and other Parts of *America*, and the Territories near unto them, or unto which they lead, and in any of our Dominions to prepare and make ready ſuch Ships, Barques, or Veſſells, as ſhall be neceſſary for that Voyage or Diſcouery, with all Kind of Furniture, Ordnance, Arms, Munitions, Prouiſions and Commodities, neceſſary for him

him and ſuch of our Subjects as will accompany him and them in the ſaid Voyage, and them to carry with them without Lett, Interruption, or Reſtraint of Us, our Heires and Succeſſors, any Law, Statute, Proclamation, Letters-patents, Charter, or proviſo to the contrary notwithſtanding; and with their Ships and Veſſels to ſail, paſs, and depart out of this our Realme, or any our Realms, or Dominions, or Territories, and in thoſe Ships or Veſſels to go unto, viſit, diſcouer, and frequent any Country, Region, Harbour, River, Straight, Creek, Bay, Port, Paſſage, or any other Place whatſoever in *Virginia* or *America*, which he the ſaid *Thomas Young* ſhall ſee neceſſary or convenient to go unto for the diſcouery aforeſaid. And moreouer, for the better Encouragement of the ſaid *Thomas Young*, of our more eſpecial Grace and meer Motion, Wee do further give and graunt unto the ſaid *Thomas Young*, and his Aſſignes, full Power and Authority to carry in the ſaid Ships, ſuch Goods, Merchandizes, and Commodities, as by the Laws of this Realme are not prohibited to be tranſported into foreign Parts, and to trade, traffique and merchandize with ſuch the People and Inhabitants of the Nations, Countries, Kingdoms, and Territories which he ſhall diſcouer, or with any other Nations in their paſſage to and fro, and in our Name and for our Uſe to take poſſeſſion of all ſuch Countries, Lands and Territories, as are yet undiſcouered, or not actually in the poſſeſſion of any Chriſtian Prince, Country, or State, and therein to erect our Banners, and to enter Friendſhip and Alliance with the Princes, Gouernours and People, as well of the parts which they ſhall diſcouer or repair unto, as in their paſſages to and from thoſe places, and to receive ſo many of them, not of the actual Obedience of any Chriſtian Prince, into our Faith and Allegiance, as ſhall be willing to ſubmit themſelues under our Obedience. And for the better effecting of this our pleaſure, Wee do by theis Preſents, conſtitute and make the ſame *Thomas Young*, Governor and Commander of ſuch Veſſells and Men, as he ſhall take and carry forth with him at any tyme to make the ſaid Diſcovery: And that it ſhall and may be lawfull for him to appoint ſuch Captains, Commaunders, Governours and Officers, as he ſhall have occaſion to uſe in that Expedition; and that he and they ſhould have full Power and Authority to gouern, rule, puniſh, correct, and execute or pardon, condemn or do any further Act of Juſtice againſt any of his own Company offending, either at Sea or on Land, in any Country, or Place whereſoeuer he or they ſhall go or arrive unto, in as abſolute manner as any Generall of any Army of ours, can or ought to do the ſame: And Wee do by theis Preſents for Us, our Heires and Succeſſors, inhibit all other Perſon and Perſons whatſoeuer to trade unto, traffique with, viſit, or frequent any Countries, Regions, Territories, or Places, which the ſaid *Thomas Young*, or his Aſſignes ſhall diſcouer, not being under the Subjection or Obedience of any Chriſtian Prince, without the ſpecial Licence of the ſaid *Thomas Young*, firſt had in Writing under his Hand and Seale; and that if any other Perſon or Perſons ſhall at any

Time hereafter trade unto, viſit, haunt, or frequent any the Places aforeſaid, without Licence as aforeſaid, That then the Ships, Goods, and Merchandize of the ſaid Perſons ſo trading, viſiting, haunting, or frequenting without Licence as aforeſaid, ſhall be forfeited, and it ſhall be lawfull for the ſaid *Thomas Young* them to ſeize and take, whereof the one-half ſhall be to the uſe of Us, our Heires and Succeſſors, and the other to the ſaid *Thomas Young*, his Heires and Aſſignes. And moreover, Wee do give and graunt unto the ſaid *Thomas Young*, and others of his Conſortſhip, full Power and Authority, that if in their Voyage aforeſaid, either outward or homeward, at Sea or on Shoare, or in the Places or Territories which he the ſaid *Thomas Young* ſhall ſo diſcover, any forceable Invaſion or hoſtile Act be offered unto any of them, either by the Nations which hee or they ſhall diſcouer, or by any other Perſon or Perſons whatſoeuer, that it ſhall be lawfull to and for them to repell them, and by Force of Arms to take them and uſe them as Enemies, and neceſſity requiring to kill and ſlay them, or ſaue and pardon them at his and their pleaſure. And moreouer, Wee do giue and graunt unto the ſaid *Thomas Young*, free Liberty and Licence to go on Shoare in any Places he or they ſhall diſcouer, and in all Grounds and Waters where he ſhall think fit, to ſeek for Metalls and Mines of Gould or Silver, or any other Metalls, or for any precious Stones, Gemms, or Pearl, and that he ſhall wholly enjoy all ſuch precious Stones, Pearl and Gemms, Mines of Gould and Silver, as he and they ſhall find and gett, rendring to Us, our Heires and Succeſſors, the fifth of all Gould and Silver Oare, and of all precious Stones, Pearl and Gemms, which he or his Deputies, Seruants or Aſſignes, ſhall find and get. And moreouer, Wee do give unto the ſaid *Thomas Young*, free Liberty and Authority to make and ſet up Factories in any Places he ſhall diſcouer, and there to fortify with Fortreſſes and Ordnance, and leaue as many of our Subjects, with Arms, Munition, and other Proviſion, at the Diſcretion of the ſaid *Thomas Young*, as to himſelf ſhall ſeem needfull, thereby to reſiſt thoſe Nations and Countries that ſhall attempt by Force to expell them from thence, and to keep and defend for Us, the ſaid Countries, Ports and Places, and to expell, repell and reſiſt all thoſe that ſhall attempt to paſs into any of thoſe Regions, Countries, or Paſſages, to be diſcovered by the ſaid *Thomas Young*, as alſo to ſurpriſe all others with their Veſſells, Ships and Goods, who ſhall ſeek to inhabit or trade with the People of any of the ſaid Countries or Nations, or to paſs into the ſame without the ſpeciall Leave, Licence, and Liking of the ſaid *Thomas Young*, and that he and his Company may detain and keep Priſoners, and make lawfull prize of ſuch Perſons and euery of them, with their Ships, Veſſels, and Goods. And Wee do further by theis preſents, for Us, and our Heires, give and grant, that all thoſe People which are, or ſhall be our Subjects born, and which ſhall inhabit, plant, or reſide in the ſaid Countries ſo to be diſcovered, and their Children, and Offſpring and Deſcent of them there born, ſhall

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be of our Allegiance, and free Denizens of *England*: And Wee command all our Admiralls, Vice-Admiralls, Maiors, Sheriffs Juſtices of Peace, Bailiffs, Cuſtomers, Comptrollers, and all our Captains and Commanders, and all other our Officers, Miniſters, and Subjects whatſoever, in all our Kingdoms and Dominions, and in all our Towns, Ports and Countries whatſoeuer, that they ſhall be aiding and aſſiſting to the ſaid *Thomas Young*, his Heirs and Aſſigns, in whatſoeuer ſhall be needfull for the Furthering of his ſaid Voyage and Diſcoueries; and do require all the Gouernors of Provinces, and other Magiſtrates and Captains of all Provinces of our Alliance, to ſuffer the ſaid *Thomas Young*, and his Company to have free paſſage (they doing no Injury or Violence) through their Territories and Countries, without offering to any of them any Force, Injury, or Greiuance, as under our ſafe Conduct, and as they would ſhould be done to their Subjects.

In Witnes, &c.

Witnes Our Selfe at *Canbury*, the three and twentieth Day of *September*.

PER IPSUM REGEM.

THE COPIE *of an Order made at the Council Table February* 21. 1633. *about the Plantation in New England.*

[Hubbard's MSS. Hiſtory, Fol. 109.]

WHEREAS the Board is given to underſtand of the frequent Tranſportation of great Numbers of his Majeſty's Subjects out of this Kingdom to the Plantation of New England, amongſt whom divers Perſons knowne to be ill affected, diſcontented not only with civill but eccleſiaſticall Government here, are obſerved to reſort thither, whereby ſuch Confuſion and Diſtraction is already growne there, eſpecially in Point of Religion, as beſide the Ruin of the ſaid Plantation, cannot but highly tend to the Scandall both of Church and State here: And whereas it was informed in particular, that there are at this preſent, divers Ships in the River of Thames, ready to ſet Saile thither, fraighted with Paſſengers and Proviſions; it is thought fitt, and ordered, that Stay ſhould be forthwith made of the ſaid Ships untill further Order from this Board: And the ſeverall Maſters and Fraightors of the ſame ſhould attend the Board on Wedneſday next in the Afternoon, with a Liſt of the Paſſengers and Proviſions in each Ship: And that Mr. Cradock,

a chief Adventurer in that Plantation, now preſent before the Board, ſhould be required to cauſe the Letters-patents for the ſaid Plantations to be brought to this Board.

Lord Archbiſhop of Canterbury,
Lord Archbiſhop of York,
Lord Privy Seale,
Earle of Mancheſter,
Earle of Dorſet,
Lord Cottington,
Mr. Vice Chamberlain,
Mr. Secretary Cooke,
Mr. Secretary Windebank,
Tho. Meautis.

A LETTER *from* THOMAS MORTON *to* Mr. JEFFERIES.

[Hubbard's M. S. Hiſtory, Fo. 234.]

MY VERY GOOD GOSSIP,

IF I ſhould commend my ſelf to you, you would reply with this Proverbe, *Propria laus ſordet in ore;* but to leave impertinent Salutes, and really proceed, you ſhall hereby underſtand, that although when I was firſt ſent to England, to make Complaint againſt Ananias and the Brethren, I effected the Buſineſs but ſuperficially, (through the Brevity of Time) I have at this Time taken Deliberation, and brought the Matter to a better paſs: And it is thus brought about, that the King hath taken the Matter into his owne Hands. The Maſſachuſetts Patent by an Order of the Council was brought in View: The Priuiledges therein granted well ſcanned upon, and at the Council Board in Public, and in the preſence of Sir Richard Saltonſtall and the Reſt, it was declared (for manifold Abuſes therein diſcouered) to be uoyd: The King hath reaſſumed the whole Buſineſs into his owne Hands, appointed a Committee of the Board, and giuen Order for a Generall Goueruour of the whole Territory to be ſent ouer: The Commiſſion is paſt the Privy Seale; I did ſee it, and the ſame was 1mo. of May ſent to my Lord Keeper to have it paſs the Great Seale for Confirmation, and I nowe ſtay to returne with the Gouernour, by whom all Complainants ſhall haue Relief. So that now Jonas being ſet aſhore, may ſafely cry, repent, you cruel Schiſmaticks, repentt here are yet but 40 Dayes; if Jove vouchſafe to thunder, the Charter and Kingdome of the Separatiſts will fall aſunder. Repent, you cruel Schiſmaticks, repent. Theſe Things haue happened, and I ſhall ſee (notwithſtanding their Boaſting and falſe Alarums in the Maſſachuſets, with forged

forged Cauſe of Thankſgivings) their mercileſs Cruelty rewarded according to the Merit of the Fact, with condigne Puniſhment; for coming into thoſe Parts, like Sampſon's Foxes with Firebrands at their Tayles, the King and Council are really poſſeſſed of their prepoſterous Loyalty, and irregular proceedings, and are incenſed againſt them. And although they be ſo oppoſite the Catholic Axioms, yet they will be compelled to performe them, or at leaſt wiſe ſuffer them to be put in practice, to their Sorrow; in Matter of Reſtitution and Satisfaction, more than myſtically, it muſt be performed viſibly, and in ſuch Sort as will be ſubject to the Senſes, in a very liuely Image. My Lord of Canterbury, with my Lord Privy Seale, having cauſed all Mr. Cradock's Letters to be viewed, and his Apology for the Brethren particularly heard, proteſted againſt him and Mr. Humphreys, that they were a Couple of impoſterous Knaves; ſo that for all their great Friends they departed the Council Chamber in our View with a pair of cold Shoulders: I haue ſtaid long, yet haue not loſt my Labour, although the Brethren haue found their Hopes fruſtrated, ſo that it follows by Conſequence, that I ſhall ſee my Deſire upon mine Enemies; and if Jo: Grant had not betaken himſelf to Flight, I had taught him to ſing Clamavi in the Fleet before this Time, and if he returne before I depart, he will pay deare for his Preſumption. For here he finds me a ſecond Perſeus, I have uncaſed Meduſa's Head, and ſtruck the Brethren into Aſtoniſhment; they find, and yet will more to their Shame, that they abuſe the Word, and are to blame, to preſume ſo much, that they are but a Word and a Blow to them that are without: Of thoſe Particulars I thought good, by ſo convenient a Meſſenger to give you Notice, leſt you ſhould think I had died in Obſcurity, as the Brethren vainly intended I ſhould, and baſely practized abuſing Juſtice to their ſiniſter Practices, as by the whole Body of the Committee it was, una voce, concluded to be done to the Diſhonour of his Majeſty. And as for Ratcliff he was comforted by their Lordſhips, with the cropping of Mr. Winthrope's Eares, which ſhews what Opinion is held among them of K. Winthrope, with all his Inventions, and his Amſterdam fantaſtical Ordinances; his Preachings, Marriages, and other abuſive Ceremonies, which do exemplify his Deteſtation to the Church of England, and the Contempt of his Majeſty's Authority and wholeſome Lawes, which are and will be eſtabliſhed in thoſe Parts, In vita Minerva; with theſe I thought to ſalute you as a Friend, by an Epiſtle, becauſe I am bound to love you as a Brother by the Goſpell, reſting

Your loving Friend,

THOMAS MORTON.

Dat. 1mo. May, 1634.

DE COMMISSIONE SPECIALI *Domino Archiepiſcopo Catuarienſi et aliis.*

[Pownal on the Colonies. Appendix. A. D. 1634.]

REX &c. reverendiſſimo in Chriſto patri et perquam Fideli conſiliario noſtro Willielmo providentiâ divinâ Cantuarienſi archiepiſcopo totius Anglie primati et metropolitano Ac perdilecto et perquam Fideli conſiliario noſtro Thome domino Coventrie magni Sigilli noſtri Anglie cuſtodi Ac etiam reverendiſſimo in Chriſto patri ac perdilecto et perquam fideli conſiliario noſtro Ricardo providentiâ divinâ Eborum Archiepiſcopo Anglie primati et metropolitano * Necnon reverendo in Chriſto patri et perdilecto et perquam Fideli conſiliario noſtro * Willielmo Epiſcopo London ſummo theſaurario noſtro Anglie perdilectiſque et perquam fidelibus conſanguineis et conſiliariis noſtris Henrico comiti Mancheſter privati ſigilli noſtri cuſtodi Thome Comiti Arundell et ſurr' comiti mareſcallo Anglie Edwardo Comiti Dorcheſtrie camerario perchariſſime conſortis noſtre regine Ac perdilectis et fidelibus conſiliariis noſtris Franciſco Domino Cottington Cancellario et ſubtheſaurario ſcaccarii noſtri ac magiſtro Curie noſtre Wardorum et Liberationum Thome Edmonds militi Theſaurario Hoſpitii noſtri Henrico Vane militi Controrotulatori Hoſpitii noſtri Johanni Coke militi ſecretariorum noſtrorum primariorum uni et Franciſco Windebanke militi ſecretariorum noſtrorum primariorum alteri ſalutem Cum ſubditorum noſtrorum et nuper patris noſtri domini Jacobi nuper Regis Anglie memorie recolende nonulli regiâ licentiâ mediante imperii noſtri territoria non tantum dilatandi ſtudio ſed precipuè ex pio et religioſo domini noſtri Jeſu Chriſti evangelium propagandi affectu et deſiderio copioſas gentis Anglicane Colonias ſumma induſtria et magnis expenſis in diverſas mundi plagas incultas penitus et incolis vacuas vel a barbaris nullam divini numinis notitiam habentibus occupatas deduci fecerunt nos eorum Tranquillitati proſpicere volentes gratioſè et quieti veſtrumque fide prudentiâ Juſtitia et provida circumſpectione plenius confidentes conſtituimus vos predictos Archiepiſcopum Cantuarienſem dominum cuſtodem magni ſigilli noſtri Angliæ Eboracenſem archiepiſcopum Dominum theſaurarium noſtrum Anglie dominum cuſtodem privati ſigilli noſtri comitem mareſcallum Anglie Edwardum Comitem Dorcheſtrie Franciſcum Dominum Cottington Thomam Edmonds Militem Henricum Vane

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* Hubbard has it "Our right truſty and well beloved Couſin and Counſellor Richard Earle of Portland, and High Treaſurer of England, Henry Earle of Mancheſter" &c.

Vane Militem Johannem Coke Militem et Franciſcum Windebanke militem et quoſlibet quinque vel plures veſtrum commiſſionarios noſtros et vobis et quibuſlibet quinque vel pluribus veſtrum damus et committimus poteſtatem ad regimen et tutamen dictarum coloniarum deductarum vel que gentis Anglicane impoſterum fuerint in partibus hujuſmodi deducte leges conſtitutiones et ordinationes ſeu ad publicum coloniarum illarum ſtatum ſeu ad privatam ſingulorum utilitatem pertinentes eorumque Terras bona debita et ſucceſſionem in eiſdem partibus concernentes ac qualiter invicem et erga principes exteros eorumque populum nos etiam et ſubditos noſtros tam in partibus exteris quibuſcunque quam in mari in partes illas vel retro navigando ſe gerant vel que ad ſuſtentationem cleri regimen vel curam animarum populi in partibus illis degentis exercentis congruas portiones in decimis oblationibus aliiſque proventibus deſignando ſpectant juxta ſanas Diſcretiones veſtras in politicis et civilibus et habito concilio duorum vel trium epiſcoporum quos ad vos convocandos duxeritis neceſſarios in eccleſiaſticis et clero portiones deſignando condendi faciendi et edendi ac in legum conſtitutionum et ordinationum illarum violatores penas et mulctas impoſitionem incarcerationem et aliam quamlibet coertionem etiam ſi oporteat et delicti qualitas exigerit per membri vel vite privationem inflingendas providere cum poteſtate etiam (noſtro adhibito aſſenſu) gubernatores et prefectos coloniarum illarum a locis ſuis amovere ex cauſis que vobis legitime viſe fuerint aliosque eorum loco conſtituere ac de eis rationem prefecture et regiminis ſuorum exigere et quos culpabiles inveneritis vel a loci privatione mulcte impoſitione de bonis eorum in partibus illis levando vel abdicatione a provinciis illis quibus prefuerint vel aliter ſecundum quantitatem delicti caſtigare judiceſque et magiſtratus politicos et civiles ad cauſas civiles et cum poteſtate et ſub formâ quâ vobis quinque vel pluribus veſtrum videbitur expedire ac judices magiſtratus et dignitates ad cauſas eccleſiaſticas et ſub poteſtate et formâ que vobis quinque vel pluribus veſtrum epiſcopis ſuffraganeais (archiepiſcopo Cantuarienſi pro tempore exiſtenti conſulto) videbitur expedire, conſtituere et ordinare curiaſque pretoria et tribunalia tam eccleſiaſtica quam civilia judiciorum formas et procedendi modos in eiſdem et ab eis appellandi in cauſis et negotiis tam criminalibus quam civilibus perſonalibus realibus et mixtis pretoriis ſeu de equo et bono conſtituendi et que crimina delicta vel exceſſus contractus vel injurias ad forum eccleſiaſticum et que ad Forum civile et pretorium ſpectare debeant determinare Proviſo tamen quod leges ordinationes et conſtitutiones hujuſmodi executioni non mandentur quo-uſque aſſenſus noſter eiſdem adhibeatur regius in ſcriptis ſub ſignetto noſtro ſignatis ad minus et hujuſmodi aſſenſu adhibito eiſque publice promulgatis in provinciis in quibus ſint exequende leges ordinationes et conſtitutiones illas plenarie juris firmitatem adipiſci et ab omnibus quorum intereſſe poteritinvio labiter obſervari volumus et mandamus liceat ta-

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men vobis quinque vel pluribus veſtrum ut predictum eſt leges conſtitutiones et ordinationes ſic edendas licet promulgate fuerint aſſenſu noſtro regio mutare revocare et abrogare aliaſque novas in forma predicta de tempore in tempus facere et edere ut predictum eſt noviſque emergentibus malis vel periculis nova apponere remedia prout decet toties quoties expediens vobis videbitur et neceſſarium Sciatis ulterius quod conſtituimus vos et quoſllibet quinque et plures veſtrum prefatos Willielmum archiepiſcopum Cantuarienſem Thomam Dominum Coventrie magni Sigilli noſtri Anglie cuſtodem, Ricardum Eboracenſem Archiepiſcopum Dominum Theſaurarium Henricum comitem Mancheſter Thomam comitem Arundelle et Surriæ Edward comitem Dorcheſtrie Franciſcum dominum Cottington Thomam Edmonds militem Henricum Vane militem Johannem Cooke militem et Franciſcum Windebanke militem commiſſionarios noſtros ad audiendum et terminandum juxta ſanas diſcretiones veſtras omnimodas querelas ſive contra colonias ipſas ſeu eorum prefectos vel gubernatores ad inſtantiam partis gravate vel ad delationem de injuriis hinc vel inde inter ipſas vel ipſorum membra aliquod illatis movendas, parteſque coram vobis evocare ac partibus vel eorum procuratoribus hinc et inde auditis plenum juſtitie complementum exhibendum dantes vobis et quibuſlibet quinque vel pluribus veſtrum quod ſi quas coloniarum predictarum vel aliquem prefectorum eorum ditiones alienas injuſte poſſidendo vel uſurpando vel invicem ſeipſos gravando ſeu nobis rebelles a fide noſtra ſubtrahendo aut mandatis noſtris non obtemperantes inveneritis nobis prius in hac parte conſultis colonias hujuſmodi et prefectos eorum ob cauſas predictas vel aliis juſtis de cauſis vel in Angliam redire aut ad alia loca deſignanda divertere mandare prout ſecundum ſanas diſcretiones veſtras equum juſtum vel neceſſarium videbitur Damus inſuper vobis et quibuſlibet quinque vel pluribus veſtrum poteſtatem et mandatum ſpeciale ad omnia chartas literas patentes et reſcripta regia de regionibus provinciis inſulis vel terris in partibus exteris colonias deducentibus conceſſa vobis duci facienda iiſque inſpectis ſi que eorum ſurreptivè vel indebitè obtenta vel per eadem privilegia libertates vel prerogativa nobis et corone noſtre vel principibus exteris nociva et prejudicialia indulta vel conceſſa fuiſſe vobis quinque vel pluribus veſtrum innoteſcat ea ſecundum legem et conſuetudinem regni noſtri Anglie revocari jubere ceteraque agendi quæ ad regimen ſalutare et tutamen coloniarum predictarum et ſubditorum noſtrorum in eiſdem reſidentium fuerint neceſſaria et ideo vobis mandamus quod circa premiſſa ad dies et loca que ad hoc provideritis diligentes ſitis intendentes prout decet precipiendo etiam et firmiter injungendo damus in mandatis omnibus et ſingulis prefectis provinciarum in quas colonie predicte deducte ſint vel fuerint et ſingulis de coloniis ipſis et aliis quorum in hac parte intereſt quod vobis in premiſſis ſint intendentes

tes mandatiſque veſtris in eiſdem obtemperantes et obedientes quoties et prout ex parte veſtra fuerint requiſiti ſub periculo incumbenti.

In cujus rei &c.

Teſte rege apud Weſtmonaſterium decimo die Aprilis.*

PER IPSUM REGEM.

A CONCLUSION *of the Lords Commiſſioners for the Government of* NEW-ENGLAND.

SIR Ferdinando Gorges is made Governor of the whole Country.—They have divided the Country in twelve Provinces.—And they diſpoſed it into the Hands of twelve Men—out of which twelve Men there is a Governor continually to be choſen.

AN ORDER *ſent to the Lord Warden of the* CINQUE PORTS, *and other Haven Towns, by the Lords Commiſſioners.*

After our hearty Commendations to your good Lordſhips, &c.

WHEREAS it appeareth great numbers of his Majeſty's Subjects have been and are every Year tranſported into thoſe Parts of America which hath been granted by Patent to ſeveral Perſons, and there ſettled themſelves, ſome of them with their Families and whole Eſtates; amongſt which numbers there are many idle and refractory Humours, whoſe only End is to live as much as they can without the Reach of Authority:

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* Hubbard dates it "at Weſtminſter 28th Day of April, in the tenth year of our Reigne." He agrees with the above in all the *Powers* granted. King James died the 27. of March 1625—The commiſſion was witneſſed the 28th of April, in the *tenth* year of the king's reign, which muſt therefore be 1634; this agrees with the Commiſſioners order to the Lord Warden of the Cinque Ports, which is dated Whitehall, December 1634.

Wee having according to the Power wherewith we were intruſted by his Majeſty's Commiſſion for Matters of Plantation, ſeriouſly conſidered how neceſſary it is, for weighty and important Reaſons to take careful and effectual order, for the ſtopping of ſuch promiſcuous and diſorderly departing out of the Realm, Do therefore pray and require your Lordſhips to charge and command your ſeveral Officers in the Cinque Ports, not to ſuffer any Perſon, being a Subſidy Man, to imbark himſelf in any of the ſame Ports, or theMembers thereof, for any of the ſaid Plantations without Licence from his Majeſty's Commiſſioners: Nor any Perſon under the Degree of a Subſidy Man, without an Atteſtation from a Juſtice of the Peace living near the Place where he dwelt laſt, or where he dwelt before if he have dwelt but a while there, that he hath taken the Oath of Supremacy and of Allegiance; and the like Teſtimony from the Miniſter of the Pariſh of his Converſation, and Conformity to the Orders of Diſcipline of the Church of England. And we do in the like Manner pray and require your Lordſhips to return to us every half Year, a particular perfect Liſt of the Names and Qualities of all thoſe that have been in the mean Time imbarqued in the Ports aforeſaid, or the Members thereof, for any the Plantations beforementioned; and ſo we bid your Lordſhips heartily FAREWELL.

From Whitehall, Dec. 1634.

Your Lordſhips very loving Friends,

Arch B. B. Keeper,
Treaſurer,
Privie Seal,
Arundell,
Dorſet,
Cottington,
Mr. Treaſurer,
Mr. Controwler,
Se. Cooke,
Se. Windebanke.

EXTRACTS

EXTRACTS *from the Records of the firſt* CHURCH *at* PLYMOUTH *in* NEW-ENGLAND, *which begin with "A Breife Eccleſiaſticall Hiſtory of the* CHURCH *of* CHRIST *att* PLYMOUTH *Anno Domi* 1680." *By Nathaniell Morton.*

CHAP. I.

WHEN by the trauell and Dilligence of ſome Godly and zealous Preachers, and God's Bleſſing on their labours as in other places of the Land, ſoe in the north partes many become Inlightened by the word of God, and had their Ignorance and ſines diſcovered by the word of God's Grace, and began by his Grace to Reform theire lives and make Conſcience of their wayes, the worke of God was noe ſooner manifeſt in them, but preſently they were both ſcoffed and ſcorned by the prophane Multitude and the Minneſters vrged with the yoake of Subſcribtion, or elſe muſt be ſilenced, and the poor people were ſoe vexed with apparrators and Purſuants and the Comiſſion courts as truly theire affliction was not ſmale; which notwithſtanding they bare ſundry years with much patience vntill they were occationed by the continewance and Increaſe of theſe troubles and other meanes which the Lord raiſed vp in thoſe Days, to ſee further into thinges by the Light of the word of God, how not onely thoſe baſe beggerly Ceremonies were vnlawfull, but alſoe that the lordly tiranous power of the Prelates ought not to be ſubmitted to, which thoſe Contrary to the Freedome of the Goſpell would load and burthen mens Conſiences with, and by theire Compulſiue power make a prophane mixture of perſons and thinges in the worſhip of God; and that theire offices and Callings Courts, and Cannons, &c. were vnlawfull and antichriſtian being ſuch as have noe warrant in the word of God, but the ſame that were vſed in Popery and ſtill Retained; of which a famous Auther thus writeth in his Dutch Comentaryes.

"Att the Comeing of Kinge James out of Scotland into England, the new Kinge (ſaith he) found there eſtabliſhed the Reformed Religion; according to the Reformed Religion of Kinge Edward the ſixt, retaining or keeping ſtill the ſperituall ſtate of the biſhopes, &c. after the old manor, mvch varying and Differing from the Reformed Churches of Scotland, France, and the Netherlands, Embden, Geneva, &c. whoſe Reformation is Cutt or ſhapen much nearer the firſt Churches as it was vſed in the Apoſtles times."

Soe

Soe many therefore of theſe proffeſſors as ſaw the euill of they thinges, in theſe yles, and whoſe hearts the Lord had touched with heauenly Zeale for his Truth, they ſhooke of this yoake of Antichriſtian Bondage, and as the Lord's Free people Joyned themſelues (by a Covenant of the Lord) into a Church eſtat in the Fellowſhip of the Goſpell, to walke in all his wayes made knowne or to be made knowne vnto them, according to theire beſt endeauors whatſoever it ſhould coſt them, and that it coſt them much paines, trouble, ſorrow, affliction, and perſecution and expence of theire eſtates, &c. this enſueing hiſtory will declare.

Theſe people became two diſtinct bodyes or Churches in Regard of diſtance of place, and did Congregate Severally, for they were of ſeverall townes and villages; ſome in Nottinghamſheire, ſome in Lankiſheire, and ſome of Yorkſheire where they bordered neareſt together: In the one of theſe Churches beſides others of note was Mr John Smith, a man of able Giftes and a Good preacher, whoe afterwards was choſen theire Paſtour; but theſe afterwards falling into ſome errours in the low Countreyes, there for the moſt parte buryed themſelues and theire names.

But in this other Church, which muſt be the ſubject of our Diſcourſe, beſides other worthy men was Mr. Richard Clifton, a Grave and reverend Preacher, whoe by his paines and Dilligence had done much Good, and vnder God had bin a meanes of the Converſion of many; and alſoe that famous and worthy man Mr. John Robinſon, whoe afterwards was theire Paſtour for many yeers vntill the Lord tooke him away by Death; and alſoe Mr. Willam Brewſter, a Reverend Man, afterwards was choſen an Elder of the Church, and lived with them vntill old age and Death.

Butt after theſe thinges they Could not longe Continew in any peaceable manor, but were hunted, Preſented on every ſide, ſoe as theire former Afflictions were but as Molehills to Mountaines in Compariſon to theſe which now came upon them; for ſome were taken and Claped vp in priſons, others had theire houſes beſett and watched night and day, and hardly eſcaped theire hands, and the moſt were faine to fly and leaue theire houſes and habitations, and the meanes of theire livelihood; yett theſe and many other ſharper thinges which afterward befell them were noe other then they looked for; therefore were the better prepared to beare them by the Aſſiſtance of God's Grace and Speritt; yett ſeeing themſelves thus moleſted, and that theire was noe hope of theire continewance theire, by a joynt Conſent they Reſolved to Goe into the low Countryes; where they heard was Freedome of Religion for all men; as alſoe how ſundry from London and other partes of the ſame that had bine exiled and perſecuted for the ſame cauſe and were Gon thither and lived att Amſterdam and in other places of the land:

Soe after they had Continewed together about a yeer, and kept theire meetinges every Sabbath in one place or other, exerciſing the worſhip of God amongſt themelves notwithſtanding all the dilligence and malice of their adverſaries, they ſeeing they

they could noe Longer Continew in that Condition, they Reſolved to Gett over into Holland as they could, which was in the yeer 1607 and 1608 : of which more in that which followeth.

1608.

Of theire Departure into Holland and theire troubles therabout, with ſome of the many difficulties they found and mett withall.

CHAPT. II.

Being thus conſtrained to leave theire native Country, theire lands and liveings, and all theire frinds and familliar acquaintance, it was much and thought marveilous by many : But to Goe into a Country they knew not, (but by hearſay) where they muſt learne a new language, and Gett their liveings they knew not how, it being a Deare place and ſubject to the of warr, it was by many thought an adventure almoſt Deſparate, a Caſe Intollerable, and a miſſery worſe then Death, eſpecially ſeing they were not acquainted with Trades nor Traffick, by which the Country doeth ſubſiſt, but had onely bin vſed to a plaine Country Life, and the inocent trade of Huſbandry : But theſe things did not diſmay them, (although they did ſometims trouble them) for theire deſire were ſett on the wayes of God and to enjoy his Ordinances, but they reſted on his Providence and knew whom they had believed ; yett this was not all, for allthough they could not ſtay, yett were they not ſuffered to Goe, but the Ports and Havens were ſhutt againſt them ; ſoe as they were faine to ſeek ſecrett meanes of conveyance, and to fee the Marriners and give extreordinary Rates for theire Paſſages ; and yett were they often times betrayed many of them, and both they and theire Goods intercepted and ſurprized, and thereby put to great trouble and charge, of which I will give an inſtance or two and omitt the reſt :

There was a great Companie of them purpoſed to gett Paſſage att Boſton in Linkenſheire, and for that end had hiered a Shipp wholly to themſelves, and made agreement with the Maſter to be reddy att a certaine Day, and take them and theire Goods in at a convenient Place, where they accordingly would all attend in reddineſs : ſoe after long waitinge and large expences, though hee kept not the Day with them yett hee came att length and tooke them in the Night, and when hee had them and theire Goods aboard, hee betrayed them, having before hand comploted with the Serchers and other Officers ſoe to doe, whoe took them and putt them into open Boates, and there rifelled and ranſacked them, ſearching them to theire Shirts for Mony, yea even the Weomen further than became modeſty ; and carryed them backe into the Towne, and made them a ſpectacle and wonderment to the Multitude which came flocking on all ſydes to behold them; being thus by the Catchpoles Officers rifled, and

ſtriped

ſtriped of theire Mony, bookes, and much other Goods, they were preſented to the Majeſtrates, and Meſſengers ſent to informe the Lords of the Counſell of them, and ſee they were comitted to ward. Indeed the Majeſtrates vſed them curtuouſly, and ſhewed them what favour they could, but could not deliver them, vntill order came from the Counſell Table; but the iſſue was, that after a month Impriſonment the greateſt parte were diſmiſſed and ſent to the Place from whence they came; but ſome of the principall were ſtill kept in Priſon and bound over to the Aſſiſes.

The next Spring after, there was another attempt made by ſome of theſe and others to gett over att another Place, and it ſoe fell out that they lited of a Dutchman att Hull, haveing a Shipp of his owne belonging to Zealand, they made agreement with him, and acquainted him with their Condition; hopeing to find more faithfullneſs in him than in the former of theire owne Nation: Hee bad them not feare, for hee would doe welenough; he was by appointment to take them in between Grimſby and Hull, where was a large Comon, a goodway diſtant from anye towne: Now againſt the prefixed time, the weomen and children with the goods were ſent to the place in a ſmall barque which they had hiered to that end, and the men were to meet them by land, but it ſoe fell out that they were there a day before the ſhipp came, and the ſea being rough, and the weomen very ſick, prevailed with the ſeamen to put into a Creek hard by where they lay on Ground att low water. The next morning the ſhipp came, but they were faſt and could not ſtir vntill about noone: In the mean time the Shipp Maſter perſeiving how the Water was, ſent his boate to be getting the Men aboard whome he ſawe walking about the ſhore; but after the firſt boate full was gott aboard, and ſhee was reddy to goe for more, the Maſter eſpyed a great Companie, both horſe and foot, with bills and guns and other weapons, for the Country was raiſed to take them; the Dutchman ſeeing that, ſwore his Countryes oath, (Sacrament) and having the wind faire, wayed his ancre, hoyſed ſayles, and away; but the poor men which were gott on board were in great diſtreſſe for theire wives and children, which they ſaw thus to be taken and were left deſtitute of their healpes, and themſelves alſoe not having a cloth to ſhift them with more than they had on theire backes, and ſome ſcarce a peny about them, all they had being on board the Barke; it drew tears from theire eyes, and any thinge they had they would have given to have bin on ſhore againe, but all in vaine, there was noe remedy they muſt thus ſadly parte; and afterwards indured a fearfull ſtorme att Sea, being forteen dayes or more before they arived att theire Port; in ſeaven wherof they neither ſaw Sun, Moon nor Starrs; and were driven to the Coaſt of Norway, the Marrinors themſelves often deſparing of life; and once, with ſhrikes and cryes, gave over all as if the Shipp had bine foundered in the Sea, they ſinking without recovery; but when mans hope and healp wholly fayled the Lord's power and mercye appeered for theire recovery, for the Shipp roſe againe,

and

and gave the Marrinors corrage againe to manage her; and if modeſty would ſuffer mee, I might declare with what fervent prayers they cryed vnto the Lord in this great diſtreſſe, eſpecially ſome of them, even without any great deſtraction when the waters ran into theire very ears and mouthes; and the Marrinors cryed out wee ſinke, wee ſink; they cryed, if not with miraculous, yett with a great hight of Divine faith, "Yett Lord thou canſt ſave, yett Lord thou canſt ſave;" with ſuch other expreſſions as I will forbeare; upon which the Shipp did not only recover, but ſhortly after the violence of the ſtorme began to abate; and the Lord filled theire afflicted Minds with ſuch Comforts as every one can not vnderſtand, and in the end brought them to their deſired Haven, where the people came flocking, admiring theire Deliverance; the ſtorme haveing bin ſoe longe and ſore, in which much hurt had bin don, as the Maſter's frinds had related vnto him in theire Congratulations.

But to returne to the others where wee left; the reſt of the men that were in the greateſt danger made ſhift to eſcape away before the troope could ſurprize them, thoſe onely ſtaying that beſt might, to be aſſiſtant to the weomen; but pittifull it was to ſee the heavy caſe of theſe poor weomen in this diſtreſſe! What weeping and crying on every ſyde; ſome for theire huſbands that were carryed away in the ſhip, a s it was before related; others not knowing what ſhould become of them and theire little ones; others, melted in teares, ſeeing theire poor litle ones hanging about them, crying for feare and with cold; being thus apprehended, they were hurryed from one place to another, and from one Juſtice to another, vntill in the end they knew not what to do with them: for to impriſon ſoe many weomen and inocent children, for noe other cauſe, many of them, but that they muſt goe with theire huſbands ſeemed to be vnreaſonable, and all would cry out of them, and to ſend them home againe was as difficult, for they alledged (as the truth was) they had noe homes to go to, for they had ſold or otherwiſe diſpoſed of theire houſes and liveings; to be ſhort, after they had bin thus tormoyled a good while, and conveyed from one Conſtable to another, they were glad to be rid of them in the end vpon any tearms, for all were wearied and tired with them, tho in the mean time the poor ſoules indewred miſery enough, and thus in the end neceſſitie forced a way for them.

But that I be not tedious in theſe thinges I will omitt the reſt, although I might relate many other notable paſſages and troubles which they indured, and vnderwent in theſe theire wanderings and trauells both at Land and Sea: But I haſt to other thinges, yett I may not omitt the fruite that came heerby; for by theſe ſoe publicke troubles in ſoe many eminent places, theire Cauſe became famous, and occationed many to look into the ſame; and theire Godly Carryage and Chriſtian Behauior was ſuch as left a deep impreſſion in the minds of many; and tho ſome few ſhrunke att thoſe firſt Conflictes and ſharp beginings (as it was noe marvell) yett many more came on with freſh Currage, and greatly anymated others; and in the end, notwithſtanding

all theſe ſtormes of oppoſition, they all gott over att length, ſome att one time and ſome att another, and mett together againe according to theire Deſires, with noe ſmale Rejoyceings.

CHAPT. III.

Of theire ſettleing in Holland, and theire Manor of Liveing and Entertainment there.

Being now come into the Lowcountryes they ſaw many goodly and fortifyed cittyes, ſtrongly waled, and guarded with troopes of armed men: Alſoe, they heard a ſtrange and vncouth language, and beheld the different manors and cuſtomes of the people, with theire ſtrange faſſions and attires; all ſoe farr diffiring from that of theire plaine countrye villages wherin they were bread and borne and had ſoe long lived, as it ſeemed they were come into a new world: But thoſe were not the thinges they much looked on or long took vp theire thoughts, for they had other worke in hand, and another kind of warr to wage and maintaine. For, though they ſaw fair and beautifull cittyes, flowing with abundance of all ſorts of wealth and riches, yett it was not longe before the grime and griſeled fate of poverty coming on them like an armed man, with whom they muſt buckle and incounter, and from whom they could not fly; but they were armed with faith and patience againſt him and all his encounters; and though they were ſometimes foyled, yett by God's aſſiſtance they prevaild and and gott the victory. Now when Mr. Robinſon, Mr. Brewſter, and other principall members were come over, for they were of the laſt, and ſtayed to healp the weakeſt over before them, ſuch thinges were thought on as were neceſſarie for theire ſettleing and beſt ordering of the Church affaires; and when they had lived att Amſterdam about a yeer, Mr. Robinſon, theire Paſtour, and ſome others of beſt deſerning, ſeeing how Mr. John Smith and his Companie was alreddy fallen into Contenſion with the Church that was there before them, and noe meanes they could vſe would doe any good to cure the ſame; and alſoe that the Flames of Contenſion were like to breake out in that antient Church it ſelfe, as afterwards lamentably came to paſſe; which thinges they prudently foreſeeing, thought itt was beſt to remove before they were any way engaged with the ſame, though they well knew it would bee much to the prejudice of theire outward eſtate, both at preſent, and in likelyhood in the future, as indeed it proved to bee: For theſe and ſome other reaſons they removed to *Leyden*, a fayer and beautifull citty, and of a ſweet ſituation, but made more famous by the vnivercety wherwith it is adorned, in which of late had it been by ſoe many learned men; but wanting that trafficke by ſea which Amſterdam injoyed, it was not ſo benefitiall for theire outward means of liveing and eſtates; but being now heer pitched, they fell to ſuch trades and imployments as they beſt could,

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vallueing peace and their ſperituall Comfort above any other riches whatſoever; and att length they came to raiſe a competent and comfortable Liveing; and with hard and continuall labour, being thus ſettled after many Difficulties, they continued many yeers in a comfortable condition, injoying much ſweet and delightfull ſociety and ſperituall Comfort together, in the wayes of God, vnder the able Minneſtry and prudent Government of Mr. John Robinſon, and Mr. William Brewſter, who was an Aſſiſtant vnto him in the place of an Elder, vnto which hee was now called and choſen by the Church, ſoe as they grew in knowlidge and other gifts and graces of the ſperitt of God, and lived together in peace, and love, and holineſs; and many came vnto them from divers partes of England, ſoe as they grew a great Congregation: And, if att any time any differences did ariſe, or offences broke out, as it cannot be but that ſometimes there will, even amongſt the beſt of men, they were ever ſoe mett with and nipt in the head betimes, or otherwiſe ſoe well compoſed, as ſtill love, peace, and comunion was continewed, or elſe the Church purged of thoſe that were incurable and incorrigable, when after much Patience vſed, no other meanes would ſerve, which ſeldome comes to paſſe: Yee, ſuch was the mutuall love and reſiprocall Reſpect, that this worthy man had to his Flocke, and his Flocke to him, that it might be ſaid of them as it once was of that famous emperour Marcus Aurelius and the people of Rome, "that it was hard to judge whether hee delighted more in haveing ſuch a people, or they in haveing ſuch a paſtour." His love was great towards them, and his care was alwaies bent for theire beſt good, both for ſoul and body: For, beſides his ſingular abillities in divine thinges, wherein hee excelled, hee was able alſoe to give direccion in civill affaires, and to foreſee dangers and inconveniences, by which meanes hee was very healpfull to theire outward eſtates, and ſoe was every way as a comon father vnto them; and none did more offend him than thoſe that were cloſe and cleaveing to themſelves, and retired from the comon good; as alſoe ſuch as would be ſtiffe and ridged in matters of outward order, and invay againſt the euills of others, and yett be remiſe in themſelves, and not ſoe carefull to expreſſe a vertuous converſation. They in like manor had ever a reverent regard vnto him, and had him in precious eſtemation, as his worth and wiſdome did deſerve. And although they eſteemed him highly whiles he lived and laboured amongſt them, yett much more after his death, when they came to feel the want of his healp; and ſaw, by woefull experience, what a Treaſure they had loſt, to the Greife of theire harts and wounding of theire ſoules: Yee, ſuch a loſſe as they ſaw could not be repaired, for it was hard for them to find ſuch another leader and feeder in all reſpects, as the Taborites to find another Ziſka; and although they did not call themſelves orphanes, as the other did after his death, yett they had cauſe as much to lament in another regard theire preſent condition and after vſage. But to returne. I know not but it may be ſpoken to the honor of God, and without preju-

dice to any, that ſuch was the humble zeale and fervent love of this people (whiles they thus lived together) towards God and his wayes, and the ſingle hartednes and ſenſeer affection one towards another, that they came as neare the primitive patteren of the firſt Churches as any other Church of theſe latter times haue don, according to theire rank and qualitie. But ſeeing it is not my purpoſe to treat of the ſeverall paſſages that befell this people whiles they thus lived in the Low Countryes, which might worthyly require a large treatiſe of it ſelfe; but to manifeſt ſomthing of theire begining and after progreſſe in New England, which I principally ſcope and aime att; yett, becauſe ſome of theire adverſaries did, vpon the rumours of theire removeall, caſt out ſlanders againſt them, as if that ſtate had bine weary of them, and had rather driven them out, as the Heathen hiſtories did faime of Moſes and the Iſraellites when they went out of Egipt, then it was theire owne free choice and motion, I will therefore mention a particular or two to ſhew the contrary, and the good acceptation they had in the place: And firſt, although itt was low with many of them, yett theire word would be taken amongſt the Duchs when they wanted mony, becauſe they had found by experience how carefull they were to keep theire word; and ſaw them ſoe painefull and dilligent in theire Callings, that they ſtrove to gett theire cuſtomes, and to imploy them above others in theire work for theire honeſty and dilligence.

Again, the Majeſtrates of the Cittey, about the time of theire coming away, or a little before, in the public place of Juſtice, gave this comendable teſtimony of them in reproffe of the Walloones, who were of the French Church in the Cyttey; theſe Engliſh, (ſaid they) have lived amongſt vs now this twelve years, and yett wee never had any ſuite or accuſation came againſt them; but youer ſtriffes and quarrells are continuall, &c.

CHAPT. IV.

Shewing the Reaſons and Cauſes of theire Removall.

After they had liued in this Citty about eleeven or twelve yeers, which is the more obſervable, being the whole time of that famous truce between that State and the Spainiards; and ſundry of them were taken away by death, and many others began to bee well ſtricken in yeers, the grave miſtris, experience, having taught them many things; theſe prudent Governors, with ſundry of the ſageſt Members began both deeply to apprehend theire preſent danger, and wiſly to fore ſee the future, and think of timly remedy; in the agitation of theire thoughts, and much diſcourſe of particulars heerabout, they began to encline to this concluſion of removall to ſome other place, not out of any new fangledneſs, or other ſuch like giddy humer, by which men

men are many times tranſported to theire great hurt and danger, but for ſundry waighty and ſollid reaſons, the chiefe of which I will heer reſight and briefly touch; and firſt, they found and ſaw by experience, the hardneſs of the place and country to be ſuch that few in compariſon would come to them, and fewer that would bide it out and continue with them; for many that came to them, and many more that deſired to be with them, could not indure the great labour and hard fare with other inconveniencyes which they underwent and were contented with; but though they loved theire perſons and approved theire cauſe, and honored theire ſufferings, yett they left them as it were weeping, as Orpha did her Mother in Law Naomy; or as thoſe Romans did Catoe in Vtica, whoe deſired to be excuſed and borne with, though they could not all be Catoes. For many, though they deſired to enjoy the ordinances of God in theire purity, and the libertie of the Goſpell with them, yett alas, they admitted of Bondage, with danger of conſcience, rather then to endure theſe hardſhips, yee ſome prefered and choſe Priſons in England, rather then this libertie in Holland, with theſe afflictions; but it was thought, that if a beter, and eaſier place of liveing could be had, it would draw many and take away theſe diſcouragements; yee theire Paſtour would often ſay, that many of thoſe that both write and preached now againſt them, if they were in a place where they might have libertie and live comfortably, they would then practiſe as they did.

2. They ſaw that although the People generally bare all theire difficulties very chearfully, and with a reſolute currage, being in the beſt of theire ſtrength, yett old age began to come on ſome of them; and theire great and continewall labour, with other croſſes and ſorrowes, haſtened it before the time; ſoe as it was not onely probably thought, but apparently ſeen, that within a few yeers more they were in danger to ſcatter by neſſeſitie preſſing them, or ſink vnder theire burdens, or both; and therefore, according to the Divine Proverb, That a wiſe man ſeeth the Plague when it cometh and hydeth himſelf, Proverbs 22. 3. Soe they like ſkilfull and beaten Souldiers, were fearfull either to be intrapped or ſurrounded by theire enemies, ſoe as they ſhould neither be able to fight nor fly; and therefore thought it better to diſlodge betimes to ſome place of better advantage and leſſe danger, if any could be found.

3. The neſſeſitie was a Taſk Maſter over them, ſoe they were forced to be ſuch, not onely to theire Servants, but in a ſort to theire deareſt Children; the which as it did a little wound the tender harts of many a loveing Father and Mother, ſoe it produced alſoe many ſad and ſorrowfull effects; for many of theire Children, that were of beſt diſpoſitions and graciouſe inclinations, haveing learned to beare the yoak in theire youth, and willing to beare part of theire parents burthen, were oftentimes ſoe oppreſſed with theire heavy labours, that although theire minds were free and willing, yett theire bodyes bowed vnder the waight of the ſame, and became decrepid in

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theire early youth, the vigour of nature being conſumed in the very bud as it were; but that which was more lamentable, and of all ſorrows moſt heavy to be bourne, was that many of theire Children by theſe occations and the great lyſencioufneſs of youth in the Country, and the manyfold temptations of the place, were drawne away by euill examples, vnto extravigant and dangerouſe courſes, getting the raines on theire neckes, and departing from theire Parents; ſome became Souldiers, others tooke vpon them farr voyages by Sea, and other ſome worſe courſes tending to deſoluteneſs, and the danger of theire Soules, to the great greife of theire Parents, and diſhonor of God, ſoe that they ſaw theire poſteritie would be in danger to degenerate and be corrupted.

Laſtly, and which was not the leaſt, a great hope and inward zeale they had of laying ſome good foundation, or att leaſt to make ſome way theirunto, for the propagateing and advanceing the Goſpell of the Kingdom of Chriſt in thoſe remote partes of the world, yee though they ſhould be but as ſtepping ſtones vnto others, for performing of ſoe great a work.

Theſe and ſome other like reaſons moved them to undertake this reſolution of theire removall, the which they afterwards procecuted with ſoe great difficulties as by the ſequell will appeer.

The place they had thoughts on, were ſome of thoſe vnpeopled Countryes of America, which are fruitfull and fitt for habitation, being devoid of all civill inhabitants, where ther are onely ſalvage and brutiſh people, which range vp and downe little otherwiſe than the wild beaſts; this propoſition being made publick, and coming to the ſcaning of all, it raiſed many variable oppinions amongſt men, and cauſed many feares and doubts amongſt themſelves; ſome from theire reaſons and hopes conceived, laboured to ſtir vp and incurrage the reſt to vndertake and proſecute the ſame; others againe out of theire fears objected againſt it, and ſought to divert from it, alledging many thinges, and thoſe neither vnreaſonable nor vnprobable; as that it was a great deſigne and ſubject to many inconceivable perells and dangers, as beſides the cauſalties of the Seas, (which none can be freed from) the length of the voyage was ſuch as the weake bodyes of men and woemen, and ſuch other perſons worne out with age and traivill (as many of them were) could never be able to endure; and yett if they ſhould, the miſeryes of the land which they ſhould be expoſed vnto, would be too hard to be bourn, and likely ſome or all of them to conſume and vtterly to ruinate them; for theire they ſhould be lyable to famine and nakedneſs, and the want in a manner of all thinges; the changing of the aire, diett, and drinking of water would infect theire bodyes with ſore ſickneſſes, and all thoſe which ſhould eſcape or ouercome theſe difficulties, ſhould yett be in continewall danger of the Salvage People, who are cruell, barberrous and treacherous, being moſt furious in theire rage and mercyles wher they overcome,

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not being content onely to kill and take away life, but delight to torment men in moſt bloody manor that may be; flaying men alive with the ſhells of Fiſhes, cutting of the joynts and members of others by peece meales, and broyling them on the Coles; and cauling men to the Collopps of theire fleeſh in theire ſight whiles they live; with other crewelties horrible to be related; and ſurely it could not be thought but the hearing of theſe thinges, could not but move the bowells of men to grate within them, and make the weake to quake and tremble.. It was further objected, that it would require greater ſumes of mony to furniſh ſuch a voiage, and to fitt them with neſſeſaries then theire eſtates would amount to; and yett they muſt all as well look to be ſeconded with ſupplyes as preſently to be tranſported; alſoe the like preſedents of ill ſucceſſe, and lamentable miſeryes befallen others in the like deſigns were eaſy to be found and not forgotten to be alledged, beſides theire owne experience in theire former troubles and hardſhips, in theire removall into Holland, and how hard a thinge it was for them to live in that ſtrange place; although it was a Naighbour Country, and a civill and rich Comonwealth.

It was anſwared that all great and honorable actions were accompanied with great difficulties, and muſt be both enterpriſed and overcome with anſwarable Corrages: It was granted the dangers were great, but not deſparate, and the difficulties were many, but not invincible, for although there were many of them likely, yett they were not certaine; it might be that ſome of the thinges feared might never befall them; others by Providence, care, and the vſe of good meanes, might in a great meaſure be prevented, and all of them, through the help of God, by fortitude and patience might either be borne or overcome; true it was, that ſuch attempts were not to be made and vndertaken but vpon good ground and reaſon, not raſhly or lightly as many have don for curioſſety or hope of gain, &c. But theire condition was not ordinary; theire ends were good and honorable, theire calling lawfull and vrgent; and therefore they might expect a bleſſing of God in their proceeding, yee although they ſhould looſe theire lives in this action, yett they might have comfort in the ſame; and theire endeavours would be honorable: They lived here but as men in exile and in a poor condition; and as great miſeryes might poſſibly befall them in this place, for the twelve yeers of truce were now out, and there was nothing but beating of drumms, and preparing for war, the euents wherof are alwaies vncertaine; the Spainiard might prove as Crewell as the Saluages of America, and the famine and peſtilence as ſore heer as theire, and libertie leſſe to looke out for remedy after; many other particular thinges anſwared and alledged on both ſydes, it was fully concluded by the major part, to put this deſigne in execution, and proſecute it by the beſt meanes they could.

CHAPT.

CHAPT. V.

Shewing what meanes they vſed for preparation to this waighty Voyage.

And firſt, after theire humble Prayers vnto God for his direction and aſſiſtance, and a generall conference held thereabouts, they conſulted what particular place to pitch vpon, and prepare for; ſome, and none of the meaneſt, had thoughts, and were earneſt for Goyanna or ſome of thoſe fertile places in thoſe hott Clymetts, others were for ſome yles of Virginnia, where the Engliſh had already made enterance and beginning; thoſe for Goyanna alledged, that the Country was rich, fruitfull, and bleſſed with perpetuall Springe, a floriſhing Greenes; wher vigorous nature brought forth all thinges in abundance and plentey, without any great labour or acte of Man, ſoe as it muſt needs make the Inhabitants rich, ſeeing leſſe proviſion of Clothing and other thinges would ſerue them, then in more colder and leſſe fruitfull Countryes muſt be had, as alſoe that the Spainyards having much more then they could poſſeſſe, had not yett planted there, nor any where very neare the ſame.

But to this it was anſwared, that out of queſtion, the Country was both fruitfull and pleaſant, and might yeild riches and maintenance to the poſſeſſors more ezely then to others, yett other thinges conſidered, it would not be ſoe fitt; and firſt that ſuch hott Countryes are ſubject to greeuious diſeaſes and many noyſom impediments which other more temporate places are free from, and would not ſoe well agree with our Engliſh bodyes; againe if they ſhould there live and doe well, the jealous Spaniyard would neaver ſuffer them longe, but would diſplant and overthrow them, as hee did the French in Florida, whoe were ſettled further from his richeſt Countryes, and the ſooner becauſe they ſhould have none to protect them, and theire own ſtrength would be too ſmale to reſiſt ſoe potent an enimie, and ſoe neare a naighbour.

On the other hand, for Virginnia it was objected, that if they liued amongſt the Engliſh there planted, or ſoe neare them as to be vnder theire Gouerment, they ſhould be in as great danger to be troubled and perſecuted for theire cauſe of religion as if they lived in England, and it might be worſe, and if they lived to farr of, they ſhould neither have ſuccor or defence from them.

And att length the concluſion was to live in a diſtinct body by themſelves under the generall Government of Virginnia; and by theire Friends to ſue to his Majeſtie, that he would be pleaſed to grant them free liberty, and freedom of religion; and that

this may be obtained, they were in good hope, by ſome great perſons of good ranke and quallity that were made theire Frindes.

Whervpon two were choſen and ſent into England att the charge of the reſt to ſolliſſit this matter, whoe found the Verginnia Companie very deſirous to have them goe thither, and willing to graunt them a Pattent with as ample priviliges as they had or could grant to any, and to give them the beſt furtherance they could; and ſome of the cheiffe of the Company doubted not to obtaine theire ſuite of the Kinge for libertie in Religion, and to have it confirmed vnder the Kinges Broad Seale, according to theire deſires: But it proved a harder peece of worke then they tooke it for; for although many meanes was vſed to bring it about, yett it could not be effected, for there were divers of good worth laboured with the Kinge to obtaine it, amongſt whome was one of his chiefe Secretaries, and ſome other wrought with the Archbiſhop to give way thervnto, but it proved all in vaine; yett thus farr they prevailed in ſounding his Majeſties mind, that hee would conive att them, and not moleſt them, provided they carryed themſelves peacably; but to allow or tollerate them by his publicke authoritie vnder his Seale, they found it would not bee; and this was all that the Cheefe of the Verginnia Company, or any other of theire beſt Friends could do in the caſe, yett they perſwaded them to goe on, for they preſumed they would not bee troubled; and with that anſware the Meſſengers returned and ſignified what dilligence had bin vſed, and to what iſſue thinges were come.

But this made a damp in the buſines, and cauſed ſom deſtraction, for many were affraid that if they ſhould vnſettle themſelves, put off theire eſtates, and goe vpon thoſe hopes, it might prove dangerous, and but a ſandy foundation: Yee, it was thought they might better have preſumed heervpon without makeing any ſuite att all then haveing made it to be thus rejected; but ſome of the cheifeſt thought otherwiſe, and that they might well proceed heervpon, and that the Kinges Majeſtie was willing enough to ſuffer them without any moleſtation, though for other reaſons hee would not confeirme it by any publicke acte: And furthermore, if there was noe ſecuritie in this promiſe intimated, there would be noe great certainty in a further confeirmation of the ſame; for if afterward there ſhould be a purpoſe or deſire to wronge them, though they had a ſeale as broad as the houſe flore it would not ſerve the turne, for there would be means enough found to recall or reverſe; and ſeeing therefore the courſe is probable, they muſt reſt heerin, on God's providence, as they had don in other thinges.

Vpon this reſolution other Meſſengers were diſpatched to end with the Virginia Companie, as well as they could, and to procure a Patent with as good and ample conditions as they might by any good meanes attaine; as alſoe to treat and conclude with ſuch Marchants and other Frinds as had manifeſted theire forwardnes to provoak to and adventure in this voyage, for which end they had inſtructions given

them vpon what conditions they ſhould proceed with them, or elſe to conclude nothing without furder advice; and heer it will be requiſite to inſert a letter or two that may give light to theſe proceedinges.

A Coppy of a Letter from Sir Edwin Sands, directed to Mr. John Robinſon and Mr. Willam Brewſter.

After my harty ſallutations, the Agents of youer Congregation, Robert Cuſhman and John Carver, have bin in comunication with divers celect Gentlemen of his Majeſties Councell for Verginnia, and by the writing of ſeaven articles with youer names, have given them that good degree of ſatisfaction which hath carryed them on with a reſolution to ſett forward youer deſire in the beſt ſort, that may be for youer owne and the publicke good, divers particulars wherof, wee leave to theire faithfull report; haveing carryed themſelues heer with that good deſcretion as is both to theire owne and theire creditt from whence they came; and wheras being to treat for a multitude of People, they have requeſted further time to confer with them, that are to be interreſted in this action about the ſeverall particulars, which in the proſecution therof, will fall out conſiderable: It hath bine very willingly aſſented vnto, and ſoe they doe now returne vnto you; if therefore it may pleaſe God, ſoe to direct youer deſires, as that on youer parts there fall out noe juſt impediments, I truſt by the ſame direction, it ſhall likewiſe appeer that on our parts all forwardnes to ſett you forwards ſhall be found in the beſt ſort, which with reaſon may be expected, and ſoe I betake you with this deſigne, which I hope verily is the worke of God, to the gracious Protection and bleſing of the Higheſt.

Your very loveing Friend

EDWIN SANDS.

London, November 12, 1617.

Theire Anſware was as Followeth.

Right Worſhipfull,

Our humble Duties remembered in our owne, our Meſſengers, and our Churches name, with all thankfull acknowlidgement of your ſinguler love expreſſing itſelfe, as otherwiſe, ſoe more eſpecially in youer great care and earneſt indeauor of our good in this waighty buſines of Verginnia; which the leſſe able wee are to requite, wee ſhall thinke ourſelues the more bound to comend in our prayers vnto God for recompence; whom as for the preſent, you rightly behould in our indeavours, ſoe ſhall wee not bee wanting on our parts (the ſame God aſſiſting vs) to returne all

all anſwarable fruite, and reſpect vnto the labour of youer love beſtowed vpon vs; wee have with the beſt ſpeed and conſideration withall that wee could, ſett downe our requeſts in writing ſubſcribed, as you willed, with the greateſt parte of our Congregation, and have ſent the ſame vnto the Counſell by our Agent, a Deacon of our Church, John Carver, vnto whom wee have alſoe requeſted a Gentleman of our Companie to adjoyne himſelf to the care and deſcretion of which two wee doe refer the proſecuting of the buſines: Now wee perſwade ourſelves Right Worſhipp-full, that wee need not to provoke youer Godly and loveing mind to any further or more tender care of vs, ſince you have pleaſed ſoe farr to intereſt vs in youer ſelfe, that vnder God, above all perſons and thinges in the world, wee relye vpon you, expecting the care of youer love, councell of youer wiſdom, and the healp and countenance of youer authoritie, notwithſtanding for youer incurragement in the worke ſoe farr as probabilleties may lead, wee will not forbear to menſion theſe inſtances of inducement.

1. Wee verily believe and truſt the Lord is with vs, vnto whom and whoſe ſervice wee have given ourſelves in many tryalls; and that he will graciouſly proſper our indeavours according to the ſimpliſſety of our harts therin.

2. Wee are well weaned from the dillicate milk of our Mother Country, and inured to the difficulties of a ſtrange and hard land, which yett in great part wee have by patience overcome.

3. The People are for the body of them induſtruous and frugall, wee think wee may ſafely ſay, as any Companie of People in the world.

4. Wee are knitt together as a body, in a more ſtrict and ſacred bond, and covenant of the Lord, of the violation wherof we make conſience; and by virtue wherof wee doe hold ourſelves ſtraitly tyed to all care of each others good and of the whole by every and ſoe mutuall.

5. And laſtly, it is not with vs as with other men, whom ſmale thinges can diſcurrage, or ſmale diſcontentments cauſe to wiſh themſelves att home againe; wee know our entertainment in England and Holland; wee ſhall much prejudice both our artes and meanes by removall, whoe if wee ſhould be driven to returne, wee ſhould not hope to recover our preſent healps and comforts, neither in deed looke ever to attaine the like in any other place during our lives, which are now drawing towards theire periods.

Theſe motives wee have ben bould to tender vnto you, which you in youer wiſdom may alſoe impart to any other our worſhipfull Frinds of the councell with you, of all whoſe Godly diſpoſitions and loveing towards our deſpiſed perſons, wee are moſt glad, and ſhall not faile by all good meanes to continue and increaſe the ſame: Wee ſhall not be further troubleſome, but doe with renewed remembrance of our humble dutyes to youer worſhipp, and ſoe farr as in modeſty wee may be bold, to

any other of our wellwillers of the Councell with you: Wee take our leaves, comitting youer perſons and Councells to the guidance and protection of the Almighty.

Your much bounden in all Duty,

JOHN ROBINSON.

WILLAM BREWSTER.

Leyden the 15 *of December*, 1617.

For further Light in theſe Proceedinges fornamed, ſee ſome other Letters and Notes as followeth.

The Coppy of a Letter ſent to Sir John Worſingham.

Right Worſhippfull,

WITH due acknowledgment of thankefulnes for youer ſingular care and paines in the buſines of Verginnia, for our and (wee hope) the comon good, wee doe remember our humble duties vnto you, and have ſent, as is deſired, a further explanation of our judgments in the three points ſpecifyed by ſome of his Majeſties honorable Privy Councell; and although it be grevious vnto vs, that ſuch vnjuſt inſinuations are made againſt vs, yett wee are moſt glad of the occation of making our juſt purgation vnto the honorable Perſonages; the declarations wee have ſent incloſed, the one more brieffe and generall, which wee think the fitter to be preſented, the other ſomething more large, and in which wee expreſſe ſome ſmale accedentall differences, which if it ſeeme good vnto you, and other of your Worſhipp's Frinds, you may ſend in ſteed of the former; our prayers vnto God is that your Worſhipp may ſee the fruite of youer worthy indeauors, which on our parte wee ſhall not faile to further by all good meanes, and ſoe praying that you would, with all conveniency that may bee, give vs knowlidge of the ſucceſſe of the buſines with his Majeſties Privy Councell, and accordingly what youer further pleaſure is, either for our direction or furtherance in the ſame, ſoe wee reſt,

Youer Worſhipp's in all Dutye,

Leyden, January 27, 1617 *old Stile.*

JOHN ROBINSON,

WILLAM BREWSTER.

The firſt Breiffe Note was this,

Touching the Eccleſiaſticall minneſtry, namely of Paſtours for teaching, Elders for ruleing, and Deacons for diſtributing the Churches contribution; as alſoe for the

two Sacraments, Baptiſme, and the Lord's Supper, wee doe wholly, and in all points agree with the French Reformed Churches, according to their publick confeſſion of Faith, though ſome ſmale differences.

The oath of Supremacy wee ſhall willingly take, if it be required of vs, if that convenient ſatisfaction be not given by our takeing the oath of allegiance.

JOHN ROBINSON,
WILLAM BREWSTER.

The ſecond was,

This touching the Eccleſiaſtical Minneſtry, as in the former; and wee agree in all thinges with the French Reformed Churches, according to theire publick Confeſſion of Faith; though ſome ſmale differences to be found in our practice, not att all in the ſubſtance of the thinges, but onely in ſome accidentall cercomſtances.

As firſt, theire Minneſters doe pray with theire heads covered, wee uncovered.

2. Wee choſe none for Gouerning Elders but ſuch as are able to teach, which abillitie they doe not require.

3. Theire Elders and Deacons are annuall, or, at the moſt, for two or three yeers; ours, perpetuall.

4. Our Elders do adminneſter theire office in admonitions and excommunication for publicke ſcandalls, publickely, and before the Congregation; theires, more privately, and in theire Conſiſtories.

5. Wee doe adminneſter Baptiſme onley to ſuch Infants as wherof the one parent (att the leaſt) is of ſome Church, which ſome of theire Churches doe not obſerve, although in it our practice accords with theire publick Confeſſion, and the Judgement of the moſt learned amongſt them. Other differences, worthy menſioning, wee know none.

Subſcribed,

JOHN ROBINSON,
WILLAM BREWSTER.

Parte of another Letter from him that delivered theſe.

London, February 14. 1617.

YOUER letter to Sir John Worſingham I delivered almoſt as ſoone as I had it, to his owne hands, and ſtayed with him the opening and reading thereof; there were

were 2 papers encloſed; he read them to himſelf, as alſoe the letter; and in the reading, he ſpake to me, and ſaid, Who ſhall make them, viz. the Minneſters? I anſwared his worſhipp, that the power of making was in the Church: To be ordained by the Impoſition of hands by the fiteſt Inſtruments they have: It muſt either be in the Church, or from the Pope, and the Pope is Antichriſt. No, ſaid Sir John, what the Pope holds good (as in the Trenity) that wee doe well to aſſent to; but, ſaid he, wee will not enter into diſpute now; and as for youer letters, he would not ſhew them att any hand, leſt hee ſhould ſpoyle all. He expected you ſhould have bin of the Archbiſhop's mind for the calling of Minneſters, but it ſeemes you differed. I could have wiſhed to have known the contents of your two encloſed, att which hee ſtuck ſoe much, eſpecially the larger. I aſked his Worſhipp, what good newes hee had for me to write tomorrow; he told me, good newes, for both the King's Majeſtie and the Biſhopps have conſented. Hee ſaid hee would goe to Mr. Chanceler Sir , as this day, and next weeke I ſhould know more. I mett with Sir Edwin Sands on Weddenſday night; hee wiſhed mee to be att the Verginnia court the next Weddenſday, where I purpoſe to be; thus loath to be troubleſome att preſent, I hope to have ſomthing next weeeke of certainty conſerning you. I comit you to the Lord.

Yours,

S. B.

Theſe thinges being longe in agitation, and Meſſengers paſſinge to and againe about them, after all theire hopes, they were longe delayed by many obſtacles that fell in the way; for att the retorne of theſe meſſengers into England, they found thinges farr otherwiſe then they expected; for the Verginia Councell was now ſoe diſturbed with factions and quarrells amongſt themſelves, as noe buſines could well goe forward; the which may the better appeer in one of the meſſengers letters, as followeth:

To his Loveing Frinds.

I HAD thought long ſince to have writt vnto you, but could not effect that which I aimed att, neither can yett ſett thinges as I wiſhed, yett notwithſtanding I doubt not but Mr. Brewſter hath written to Mr. Robinſon; but I think myſelf bound alſoe to doe ſomthinge leaſt I be thought to neglect you. The maine hinderance of our proceedinges in the Verginia buſines, is the deſentions and factions, as they tearme it amongſt the Councell and Companie of Verginia, which are ſuch as that ever ſince wee came vp noe buſines could by them be deſpatched: The occation of this trouble amongſt them is, That a while ſince, Sir Thomas Smith repining

pining att his many offices and troubles, wiſhed the Companie of Verginia to eaſe him of his office in being Treaſurer and Governour of the Virginia Companie; whervpon the Companie took occation to diſmiſe him, and choſe Sir Edwin Sands Treaſurer and Governour of the Companie, he having 60 voyces, Sir John Worſingham 16 voyces, and Alderman Johnſon 24. But Sir Thomas Smith, when hee ſaw ſome parte of his honor loſt, was very angry, and raiſed a Faction to cauill and contend about the election, and ſought to tax Sir Edwin with many thinges that might both diſgrace him, and alſoe put him by his office of Governour; in which contenſions they yett ſticke, and are not fitt nor reddy to entermeddle in any buſines, and what iſſue thinges will come to I know not, nor are wee yett certaine: It is moſt like Sir Edwin will carry it away, and if hee doe, thinges will goe well in Verginia, if otherwiſe, they will goe ill enough alwaies; wee hope in 2 or 3 court dayes thinges will ſettle; meanſpace I think to goe downe into Kent, and come vp againe about 14 dayes or three weekes hence, except either by theſe aforſaid contentions, or by the ill tidinges from Verginia, wee be wholly diſcurraged, of which tidinges as followeth. Captain Argoll is come home this weeke; hee, vpon notice of the intent of the Councell, came away before Sir Gorge Yeardly came there, and ſoe there is noe ſmale deſention; but his tidinges is ill, altho his perſon be welcome. He ſaith Mr. Blackwell's ſhipp came not ther vntill March, but goeing towards winter they had ſtill northweſt winds, which carryed them to the ſouthworth beyonde theire courſe; and the Maſter of the ſhipp, and ſome ſix of the Marrinors dieing, it ſeemed they could not find the Bay, till after long ſeeking and beating about. Mr. Blackwell is dead, and Mr. Mayyner, the Captain: Yee, theire are dead, he ſaith, 130 perſons, one and other in the ſhipp; it is ſaid, there was in all 180 perſons in the ſhipp, ſoe that they were packed together like herrings: They had amongſt them a flux, and alſoe want of freſh water, ſoe as it is heer rather wondered that ſoe many are alive, then that ſoe many are dead. The merchants heer ſay it was Mr. Blackwell's fault to packe ſoe many in the ſhipp: Yee, and there was great murmuring and repining among them, and obraiding of Mr. Blackwell for his dealing and diſpoſing of them, when they ſaw how hee had diſpoſed of them, and how hee inſulted over them: Yee, the ſtreets at Graveſend rang of theire extream quarrelling, crying out one of another, thou haſt brought mee to this, I may thank thee for this. Heavy newes it is, and I would be glad to heare how farr it will diſcurrage. I ſee none heer diſcurraged much, but rather deſire to learne to beware by other men's harmes, and to amend that wherin they have fayled, as wee deſire to ſerve one another in love, ſo take heed of being inthraled by other imperious perſons, eſpecially if they be deſcerned to have an eye to themſelves: It doth often trouble mee to thinke, that in this buſines we are to learne, and none to teach; but better ſoe then to depend vpon ſuch teachers as Mr. Blackwell was; ſuch a ſtratagem

hee made for Mr. Johnſon and his people att Embden; much was theire ſubverſion; but though he then clenley, yett unhoneſtly, plucked his necke out of the Coller, yett att laſt his foot is caught. Heer are noe letters come. The ſhipp Captaine Argoll came in is yett in the weſt partes; all that wee heare is but his report. It ſeemeth hee came away ſecretly. The ſhip that Mr. Blackwell went in will be heer ſhortly. It is as Mr. Robinſon hee thought we ſhould heare noe good of them. Mr. Brewſter is not well at this time; whether hee will goe back to you, or goe into the North, I yett know not: For myſelf, I hope to ſee an end of this buſines eare I come, tho I am ſorry to be thus from you; if thinges had gon roundly forward, I ſhould have been with you within this fourteen dayes. I pray God direct vs, and give vs that Speritt which is fiting for ſuch a buſines: Thus haveing ſumarily pointed att thinges, which Mr. Brewſter, I think, hath more largely write of to Mr. Robinſon, I leave you to the Lord's protection.

Your in all Reddyneſs, &c.

ROBERT CUSHMAN.

London, May the 8th, 1619.

But, att laſt, after all theſe thinges, and theire longe attendance, they had a Patent graunted them and confeirmed vnder the Companies ſeale; but theſe diuiſions and diſtractions had ſhaken many of theire pretended frinds, and difappointed them of many of theire hoped for and proffered meanes. By the adviſe of ſome frinds this Pattent was not taken in the name of any of theire owne, but in the name of Mr. John Wincoll, a religious gentleman, then belonging to the countye of Lincolne, whoe intended to goe with them; but God ſoe diſpoſed as he never went, nor they never made vſe of this Pattent, which had coſt them ſoe much labour and charge; as by the ſequell will appear. This Patent being ſent over for them to view and conſider, as alſoe the paſſages about the propoſitions between them, and ſuch marchants and frinds as ſhould either goe or adventure with them; and eſpecially with them on whom they did cheiffly depend for ſhiping and meanes, whoſe proffers had bin large, they were requeſted to fit and prepare themſelves with all ſpeed.

After ſuch trouble and tormoiles and debates which they went thorow, thinges were gotten reddy for theire departure from *Leyden;* a ſmale ſhipp was provided in Holland, of about ſixty tun, which was intended as to ſerve to tranſport ſome of them over the ſeas, ſoe to ſtay in the country and to tend vpon fiſhing, and ſutch other affaires as might be for the good and benifitt of the whole when they ſhould come to the place intended. Another was hired att London, of burden about nine ſcore,

ſcore, and all other thinges got into a reddines; ſoe being reddy to depart, they had a day of ſollemne humiliation, theire Paſtour takeing his text from Ezra, the viiith, 21.

The time being come that they muſt depart, they were accompanied with the moſt of theire brethren out of the cittey vnto a towne ſundry miles off, called Dealfes Hauen, where the ſhipp lay reddy to receive them: Soe they left that goodly and pleaſant citty which had bin theire reſting place near 12 yeers when they came to the place, they found the ſhipp and all thinges reddy; and ſuch of theire frinds as could not come with them followed after them, and ſundry alſoe came from Amſterdam to ſee them ſhipped and take theire leave of them; that night was ſpent with little ſleep by the moſt, but with frindly entertainment and chriſtian diſcourſe, and other reall expreſſions of true chriſtian love. The next day the wind being faire, they went on board and frinds with them; when truely dolfull was the ſight of that ſad and mournfull parteing; to ſee what ſythes and ſobbs, and prayers did ſound amongſt them; what tears did guſh from every eye; and pithey ſpeeches peirſed each others harte, that ſundry of the Dutch ſtrangers that ſtood on the Key as Spectators could not refraine from teares; yett comfortable and ſweet it was to ſee ſuch lively and true expreſſions of deare and vnfeighned love, but the tide which ſtays for noe man calling them away that were thus loth to depart, theire Reverend Paſtour falling downe on his knees, and they all with him, with watery cheekes comended them with moſt fervent prayers to the Lord and his bleſſing, and then with mutuall embraces and many teares they took theire leaves of one another, which proved to be theire laſt leave to many of them. Thus hoyſing ſayle with a proſperous wind, they came in ſhort time to Southampton, where they found the bigger ſhipp come from London, lying reddy with all the reſt of theire Companie; after a joyfull welcome and mutuall congratulation, with other frindly entertainments, they fell to parley about theire future proceedinges.

A Breife Letter written by Mr. John Robinſon, to Mr. John Carver att theire parting aboveſaid.

My Dear Brother,

I received encloſed youer laſt letter and note of information, which I ſhall carfully keep and make vſe of as theire ſhalbe occation. I have a true feeling of youer perplexety of mind and toyle of body; but I hope that you, haveing alwayes bin able ſoe plentifully to adminneſter comfort vnto others in theire tryalls, are ſoe well furniſhed for youer ſelf, as that farr greater difficulties then you have yett vndergon, though I conceive them to be great enough, cannot oppreſſe you, though they preſſe you, as the Apoſtle

 ſpeaketh;

ſpeaketh; the ſperit of a man (ſuſtained by the ſperit of God) will ſuſtaine his infeirmities; I doubt not ſoe will youers; and the better much when you ſhall injoy the preſence and help of ſoe many Godly and wiſe Brethren, for the bearing of parte of youer burden; whoe alſoe will not admitt into theire harts, the leaſt thought of ſuſpiſſion of any the leaſt negligence, att leaſt preſumption, to have bin in you, whatſoever they thinke in others. Now what ſhall I ſay or writt vnto you, and youer good wife, my loveing ſiſter—even onely this, I deſire and alwaies ſhall, mercy and bleſſing vnto you from the Lord, as vnto my owne ſoule; and aſſure youer ſelfe, that my hart is with you, and that I will not my bodily comeing at the firſt oppertunitie; I have written a large letter to the whole, and am ſorry I ſhall not rather ſpeake then write to them, and the more conſidering the want of a Preacher, which I ſhall alſoe make ſome ſpurr to my haſtening towards you; I doe ever comend my beſt affection vnto you, which if I thought you made any doubt of, I would expreſſe in more, and the ſame more ample and full words: And the Lord in whom you truſt, and whom you ſerve, ever in this buſines and journey, guide you with his hand, protect you with his winge, and ſhew you and vs his Salvation in the end, and bringe vs in the meane while together in the place deſired (if ſuch be his good will) for his Chriſt his ſake.

Amen, youer's,

July 27th 1620. JOHN ROBINSON.

This was the laſt letter that Mr. Carver lived to ſee from him.

Att theire parting, Mr. Robinſon writt a letter to the whole Companie, which although it hath alreddy bin printed, yett I thought good heer likewiſe to inſert it.

☞ [See *the Letter in Page* 96.]

All thinges being gott reddy, and every buſines diſpatched, the Company was called together, and this letter read amongſt them; which had good acceptation with all, and after fruite with many; then they ordered and diſtributed theire companie for either ſhipp, as they conceived for the beſt; and choſe a Gouernor and two or three aſſiſtants for each ſhipp, to order the people by the way, and to ſee to the diſpoſing of theire prouiſions, and ſuch like affaires, all which was not onely with the likeing of the maſters of the ſhipps, but according to theire deſires, which being done, they ſett ſayle from thence about the fifth of Auguſt; but what befell them further vpon the Coaſt of England will appeer in the book intitled New-Englands Memoriall page 10;

And likewiſe of the voyage, and how they paſſed the ſea, and of theire ſafe arrivall at Cape Codd. [See *New-England's Memoriall, Page* 12.]

Being now paſſed the vaſt Ocean and a ſea of troubles, before theire preparation vnto further proceedings, as to ſeek out a place for habitation, &c. they fell down

vpon

vpon theire knees, and bleſſed the God of Heaven, whoe had brought them over the vaſt and furious Ocean, and delivered them from all perills and miſſeryes therof againe to ſet theire feet upon the feirme and ſtable earth, theire proper Element.

But heer I cannot but ſtay and make a pauſe, and ſtand halfe amazed att theſe poor peoples condition, and ſoe I think will the reader too, when hee well conſiders the ſame, for haveing paſſed through many troubles, both before and vpon the voyage as aforſaid, they had no frinds to welcome them, nor Inns to entertaine or refreſh them, noe houſes much leſſe townes, to repaire vnto to ſeek for ſuccor. It is recorded in Scripture as a mercye to the Apoſtle and his ſhipwracked Companie, that the Barbarians ſhewed them noe ſmale kindnes in refreſhing them; but theſe Saluage Barbarians when they mett with them, as after will appeer, were reddier to fill theire ſydes full of arrows then otherwiſe; and for the ſeaſon it was winter, and they that know the winters of that Countrey, know them to be ſharp and violent, and ſubject to violent ſtorms, dangerouſe to trauell to knowne places, much more to ſearch out vnknowne coaſts; beſides what could they ſee, but a hedious and deſolate wildernes full of wild beaſtes and wild men, and what multitudes there might be of them they knew not, neither could they, as it were, goe vp to the top of Piſgae to view from this wildernes a more goodly Countire to feed theire hopes, for which way ſoever they turned theire eyes (ſave vpwards to the Heavens) they could have little ſolace or content in reſpect of any outward objects, for ſomer being done, all thinges ſtand for them to look vpon with a weather beaten face, and the whole Country being full of woods and thickets, repreſented a wild and ſaluage hiew; if they looked behind them, there was the mighty ocean which they had paſſed, and was now as a maine barr and gulf to ſeparate them from all the ciuill parts of the world; if it be ſaid they had a ſhipp to ſuccour them; it is true but what heard they dayly from the Maſter and Companie, but that with ſpeed they ſhould look out a place with theire ſhallopp, where they would be att ſome neare diſtance, for the ſeaſon was ſuch as he would not ſtirr from thence vntill a ſafe harbour was diſcovered by them where they would bee, and he might go without danger; and that victuales conſumed apace, but hee muſt and would keep ſufficient for himſelf and companie for their returne; yee it was muttered by ſome, that if they gott not a place in time, they would turne them and theire goods on ſhore, and leave them; lett it be alſoe conſidered what weak hopes of ſupply and ſuccor they left behind them, that might beare vp theire minds in this ſad condition and tryalls they were vnder, and they could not but be very ſmale: It is true indeed the affections and love of theire bretheren at Leyden was cordiall and intire, but they had little power to help them or themſelves; and how the caſe ſtood between them and the Merchants at theire coming away hath alreddy bin declared:—What could now ſuſtain them but the ſperitt of God and his grace; may not, and ought not the children of thoſe fathers rightly ſay, our

fathers were Engliſhmen which came over this great Ocean, and were reddy to periſh in this wildernes, but they cryed vnto the Lord, and hee heard theire voyce, and looked on theire adverſitie; and let them therfore praiſe the Lord becauſe hee is good and his mercyes endure for ever: Yee let them which have been the redeemed of the Lord, ſhew how hee hath delivered them from the hand of the oppreſſor, when they wandered in the deſert wildernes out of the way, and found noe citty to dwell in, both hungry and thirſty, theire ſoule was ouerwhelmed within them; lett them confeſſe before the Lord his lovinge kindnes, and his wonderfull workes before the children of men.

Heer followeth a Letter from Mr. Robinſon to Mr. Brewſter our Elder.

Loveing and deare Friend and Brother,

THAT which I moſt deſired of God, in regard of you, namely the continueance of youer life and health, and the ſafe comeing of theſe ſent vnto you, that I moſt gladly hear of, and praiſe God for the ſame; I hope Miſteris Brewſters weake and decayed ſtate of body, will have ſome repaireing by the coming of her Daughters, and the prouiſions in this and other ſhipps ſent, which I heare is made for you; which makes vs with the more patience beare our languiſhing ſtate, and the defering of the deſireing of our deſired tranſportation, (which I call deſired rather than hoped for) whatſoever you are bourne in hand with by others; for firſt there is no hope att all that I know or can conceive off, of any new ſtocke to be raiſed for that end, ſoe that all muſt depend upon returnes from you, in which are ſoe many uncertaintyes, as that nothing with any certainty can thence be concluded; beſides howſoever for the preſent the adventurers alledge nothing but the want of mony, which is an invinceable difficulty, yett if that be taken away by you, others without doubt will be found; for the better clearing of this, wee muſt diſpoſe the adventerers into three parts, and of them ſome five or ſix (as I conceive) are abſolutely bent for vs above others; other five or ſix are our bitter profeſſed adverſaries; the reſt being the body, I conceive to be honeſtly minded, and loveingly alſoe towards vs; yett ſuch as have others, namly the forward Preachers, nearer vnto them then vs, and whoſe courſe, ſoe farr as there is any difference, they would rather advance than ours. Now what a hank theſe men have over the Profeſſors you know, and I perſwade myſelf, that for mee they of all others are vnwilling I ſhould be tranſported, eſpecially ſuch as have an eye that way themſelves; as thinking if I come there theire markett will be mared in many regards; and for thoſe adverſaries, if they have but half theire will to theire mallice, they will ſtopp my courſe, when they ſee it intended; for which this delaying ſerveth them very opportunely; and as one ruſty Jade can hinder by hanging backe, more than two or three can or will att leaſt (if they be

noctiall Lyne, to fourty eight degrees of the ſaid northerly latitude incluſively; and in length of and within all the breadth aforeſaid, from ſea to ſea, togeather alſoe with all the firme lands, ſoyles, grounds, havens, ports, rivers, waters, fiſhings, mines and mineralls, as well Royall mines of gould and ſilver, as other mines and mineralls, pretious ſtoons, quaries, and all and ſingular other commoditys, juriſdictions, Royaltys, priviledges, franchiſes, preheminences, both within the ſaid tract of land upon the Mayn, and alſoe within the yſlands and ſeas adjoyneing, as the ſaid letters pattents, amongſt divers other things therein contayned, more at large doth and may appeare. Now know all men by theſe preſents, that the ſaid Counſell of New England, in America, being aſſembled in publick court, according to an act made and agreed vpon the third day of February laſt paſt, before the date of theſe preſents, for diverſe good cauſes and conſiderations them there vnto eſpetially moveing, Have given, granted, aliened, barganed and ſouid, and in and by theſe preſents do for them and their ſucceſſors, give, grant, alien, bargane ſell and confirm vnto Capt. John Maſon, Eſq; his heyres and aſſignes, all that part of the Mayn Land of New England aforeſaid, beginning from the middle part of Naumkeck River, and from thence to proceed eaſtwards along the Sea Coaſt to Cape Anne, and round about the ſame to Piſchataway Harbour, and ſoe forwards vp within the river of Newgewanacke, and to the furtheſt head of the ſaid River, and from thence northweſtwards till ſixty miles bee finiſhed, from the firſt entrance of Piſchataqua Harbor, and alſoe from Naumkecke through the River thereof vp into the land weſt ſixty miles, from which period to croſs over land to the ſixty miles end, accompted from Piſchataway, through Newgewanacke River to the land northweſt aforeſaid; and alſoe all that the South Halfe of the Yſles of Sholes, all which lands, with the Conſent of the Counſell, ſhall from henceforth be called New-hampſhyre: And alſoe ten thouſand acres more of land in New England aforeſaid, on the ſoutheaſt part of Sagadihoc, at the mouth or entrance thereof, from henceforth to bee called by the name of Maſſonia; togeather with all and ſingular Havens, Harbors, Cricks, and Yſlands inbayed, and all Iſlands and Iſletts lying within five leagues diſtance of the Mayne Land oppoſite and abbutting upon the Premiſes or any part thereof, not formerly lawfully granted to any by ſpetiall name; and all mines, mineralls, quaries, ſoyles, and woods, marſhes, waters, rivers, lakes, fiſhing, hawkings, hunting, and fowling, and all other Royaltys, juriſdictions, priviledges, preheminences, profitts, comoditys, and hæreditaments whatſoever, with all and ſingular theire and every of theire appurtenances, and togeather alſoe with all rents reſerved, and the benefitt of all profitts due to the ſaid Counſell, and theire ſucceſſors, with power of judicature in all cauſes and matters whatſoever, as well criminall, capitall, and civil, ariſeing or which may hereafter ariſe within the lymitts, bounds, and precincts aforeſayd, to bee exerciſed, and executed according to the laws of England as neere as may bee,

by the ſaid capt. John Maſon, his heyers and aſſignes, or his or their Deputys, Leeftenants, Judges, Stewards, or Officers thereunto by him or them aſſigned, deputed or appoynted from tyme to tyme, with all other priviledges, frantiſes, lybertys, immunitys, eſcheats, and cauſuallitys, thereof ariſeing or which ſhall or may hererfter ariſe within the ſaid lymitts and precincts, with all the right, title, claime, and demand whatſoever, which the ſaid Counſell and their ſucceſſors now of right have or ought to have, or claim, or may have or acquire hereafter in or to the ſaid portions of lands, or Iſlands, or any the premiſſes, and in as large, free, ample, benefitiall a manner, to all intents, conſtructions, and purpoſes whatſoever, as the ſaid Counſell, by virtue of his Majeſty's ſaid letters pattents may or can grant the ſame; ſaveing and always reſerving vnto the ſaid Counſell and their ſucceſſors, power to receive, heare and determine all and ſingular appeale and apeales of every perſon and perſons whatſoever, dwelling or inhabiting within the ſaid Territorys and Yſlands or any part thereof, ſoe granted as aforeſaid, of and from all judgements, and ſentences whatſoever given within the ſaid lands and territory aforeſaid: To have and to hould all and ſingular the lands and premiſſes above, by theſe preſents granted (except before excepted) with all and all manner of profetts, commoditys, and hæreditaments whatſoever, within the lands and precincts aforeſaid, to the ſaid lands, yſlands, and premiſſes, or any part of them, anywiſe belonging or appertayning vnto the ſaid Capt. John Maſon, his heyres, and aſſignes, to the onely proper vſe and behoofe of him the ſaid Capt. John Maſon, his heyres and aſſignes for ever, to bee houlden of the ſaid Counſell, and their ſucceſſors per gladium commitatis, that is to ſay, by finding four able men conueniently armed and arayed for the warre to attend vpon the Governor of New England, for the publick ſervice of, within foureteen dayes after any warneing given; Yielding and paying vnto the ſaid Counſell and their ſucceſſors for ever, one fift part of all the ore of the mines of gould and ſilver, which ſhall bee had, poſſeſſed, or obteyned within the lymitts or precincts aforeſaid, for all rents, ſervices, dutys, and demands whatſoever, due vnto the ſaid Counſell and their ſucceſſors, from any plantation within the precincts aforeſaid, the ſame to bee delivered vnto his Majeſty's Receiver, his Deputy or Deputys aſſigned for the receipt thereof, to the uſe of his Majeſty, his heyres and ſucceſſors, from tyme to tyme, within the lands, precincts, and territorys of New-Englnd aforeſaid. And laſtly, the ſaid Counſell have deputed and authorized and appointed, and in their place and ſtead have putt Henry Jocelyn, Eſq; and Ambroſe Gibbines Gentle. or either of them, to be their true and lawfull Atturney and Atturneys, for them, and in their name and ſtead to enter into the ſaid lands and other the premiſſes with their appurtenances, or any part thereof in the name of the whole, and take quiet and peaceable poſſeſſion and ſeazin thereof ſoe had and taken as aforeſaid, then to deliver the ſame vnto the ſaid Capt. John Maſon, his heyres or aſſigns, or to his or

their

their certen Atturney, or Atturneys, to be by him or them deputed on that behalf, according to the purport, true intent and meaning of theſe preſents. In witneſs whereof they the ſaid Counſell have hereunto affixed their common ſeal, dated the two-and-twenteth day of April, in the eleventh yeare of the Reigne of our Soueraign Lord Charles, by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, Anno Domini, 1635. Sealed with the Seal of the ſaid Counſell thereto appended.

Vera Copia.

FRED: IXEM, Notorius Publicus.

CAPTAINE JOHN MASONS *the means of Intereſting the* SCOTISH *Nation into that of* NEW-SCOTLAND.

[Gorges Deſcription of New-England.]

CAPTAN John Maſon was himſelf a man of action, and had been ſome time Gouernour of a Plantation in the New-found-land, his time being expired there, he returned into England, where he met with Sir William Alexander, who was Mr. of Requeſts to his majeſty for the realm of Scotland, but ſince Earl of Starline, who hearing of Captaine Maſon's late comming out of the New-found-land was deſirous to be acquainted with him. To that end he invited him to his houſe, and after he had throughly informed himſelfe of the eſtate of that Country, he declared his affection to that plantation, and wiſht the Captaine to be a means to procure him a Grant of the Planters ther of for a portion of land with them, who effected what he deſired. The Captaine underſtanding how far forth I had proceeded in the buſineſſe of New-England, adviſed him to deale with me for a part of what we might conveniently ſpare, without our prejudice within the bounds of our Grant. Sir William Alexander intending to make himſelfe ſure of his purpoſe, procured his Majeſty, (for what could they not do in thoſe times in ſuch caſes) to ſend to me to aſſigne him a part of our Territories, his Majeſties gracious meſſage was to me, as a command agreeing with his pleaſure, to have it ſo. Whereupon an inſtrument was preſently drawn for the bounding thereof, which was to be called New-Scotland, which afterwards was granted to him by the King, under the ſeale of Scotland. Thus much I thought fit to inſert by the way, that poſterity might know the ground, from whence buſineſſes of that nature had their originall.

The Meeting of the Lords for the dividing of the Coaſt.

The time being come their Lordſhips had appointed, an act was made for the reſignation of the Patent, † with the confirmation of our particulars, where the Bounds were thus laid out; beginning from the Weſtermoſt parts of our Bounds Eaſtwards, where the Lord of Mougraue began his Limits, and ended the ſame at the River called Hudſon's River; to the Eaſtward of the River was placed the Duke of Lenox, ſince Duke of Richmond, to the end of ſixty miles Eaſtward, next to him was placed the Earl of Carliſle, next to him the Lord Edward Gorges, next to him was ſettled the Marqueſſe Hamilton, next to him Captain John Maſon; and laſtly myſelf, whoſe bounds extended from the middeſt of Merrineck to the great River of Sagadehocke, being ſixty miles, and ſo up into the maine land one hundred and twenty miles.

The manner and forme of the Government, I have eſtabliſhed for the ordering of the publique affairs within my Province of Main.

Firſt, in my abſence I aſſigned one for my Lievetenant or Deputy, to whome I adjoyned a Chancellour for the determination of all differences ariſing between party and party, for *Meum and Tuum*, onely next to him I ordained a Treaſurer for receipt of the Publique Revenue; to them I added a marſhall for the managing of the Militia, who hath for his Lievetenant a Judge-Marſhall, and other officers to the Marſhall Court, where is to be determined all criminall and capitall matters, with other miſdemeanours or contentions for matters of honour and the like: To theſe I have appointed an Admirall with his Lievetenant or judge, for the ordering and determining of Maritime Cauſes, whoſe court is only capable of what paſſeth between party and party, concerning trades and contracts for Maritime Cauſes, either within the Province or on the Seas, or in forreign parts, ſo far as concernes the Inhabitants, their Factors or Servants (as is uſual here in England:) Next I ordered a Maſter of the Ordnance, whoſe office is to take charge of all the publique ſtores belonging to the Militia, both for Sea and Land: To this I joyne a Secretary for the publique ſervice of myſelfe and Councell, theſe are the ſtanding Councellors, to whom is added eight deputies, to be elected by the Freeholders of the ſeverall Counties as Councellours for the ſtate of the Country, who are authorized by virtue of their places, to ſit in any of the aforeſaid Courts, and to be Aſſiſtants to the Preſidents thereof,

† The Patent to the Councell for ordering, &c. the Affairs of New-England.

by what means it may be beſt effected, and the ſaid Tobacco orderly brought into our ſaid Port of London, from whence all domeſtique and foreign parts are to be ſupplied; with ſuch other incident conſiderations as this our ſervice ſhall require, that accordingly we may immediately diſpatch our ſaid Comiſſion to the ſaid Plantations, and make a ſettlement of this buſineſs, for the more ſpeedy relief of our ſaid poor ſubjects, and the full performance of this our Pleaſure and Comand. In Witneſs, &c. Witneſs ourſelf at Weſtminſter, the nineteenth day of June, in the tenth year of our Reign.

Per Breve de Privato Sigillo.

CERTAIN *Propoſals made by* LORD SAY, LORD BROOKE, *and other Perſons of quality, as conditions of their removing to* NEW-ENGLAND, *with the anſwers thereto.*

[Hutchinſon's Hiſtory of Maſſ. Bay. App. No. II.]

Demand 1. THAT the Commonwealth ſhould conſiſt of two diſtinct ranks of men, whereof the one ſhould be for them and their heirs, gentlemen of the country, the other for them and their heirs, freeholders.

Anſwer. Two diſtinct ranks we willingly acknowledge, from the light of nature and ſcripture; the one of them called Princes or Nobles, or Elders (amongſt whom gentlemen have their place) the other the people. Hereditary dignity or honours we willingly allow to the former, unleſs by the ſcandalous and baſe converſation of any of them, they become degenerate. Hereditary liberty, or eſtate of freemen, we willingly allow to the other, unleſs they alſo, by ſome unworthy and ſlaviſh carriage, do disfranchize themſelves.

Dem. 2. That in theſe gentlemen and freeholders, aſſembled together, the chief power of the Commonwealth ſhall be placed, both for making and repealing laws.

Anſ. So it is with us.

Dem. 3. That each of theſe two ranks ſhould, in all public aſſemblies, have a negative voice, ſo as without a mutual conſent nothing ſhould be eſtabliſhed.

Anſ. So it is agreed among us.

Dem. 4. That the firſt rank, conſiſting of gentlemen, ſhould have power, for

them and theire heirs to come to the parliaments or public aſſemblies, and there to give their free votes perſonally; the ſecond rank of freeholders ſhould have the ſame power for them and their heirs of meeting and voting, but by their deputies.

Anſ. Thus far this demand is practiſed among us. The freemen meet and vote by their deputies; the other rank give their votes perſonally, only with this difference, there be no more of the gentlemen that give theire votes perſonally, but ſuch as are choſen to places of office, either governors, deputy governors, councellors, or aſſiſtants. All gentlemen in England have not that honour to meet and vote perſonally in parliament, much leſs all their heirs. But of this more fully, in an anſwer to the ninth and tenth demand.

Dem. 5. That for facilitating and diſpatch of buſineſs, and other reaſons, the gentlemen and freeholders ſhould ſit and hold their meetings in two diſtinct houſes.

Anſ. We willingly approve the motion, only as yet it is not ſo practiſed among us, but in time, the variety and diſcrepancy of ſundry occurrences will put them upon a neceſſity of ſitting a part.

Dem. 6. That there ſhall be ſet times for theſe meetings, annually or half yearly, or as ſhall be thought fit by common conſent, which meetings ſhould have a ſet time for their continuance, but ſhould be adjourned or broken off at the diſcretion of both houſes.

Anſ. Public meetings, in general courts, are by charter appointed to be quarterly, which in this infancy of the colony, wherein many things frequently occur which need ſettling, hath been of good uſe, but when things are more fully ſettled in due order, it is likely that yearly or half yearly meetings will be ſufficient. For the continuance or breaking up of theſe courts, nothing is done but with the joint conſent of both branches.

Dem. 7. That it ſhall be in the power of this parliament, thus conſtituted and aſſembled, to call the governor and all public officers to account, to create new officers, and to determine them already ſet up: and the better to ſtop the way to inſolence and ambition, it may be ordered that all offices and fees of office ſhall, every parliament, determine, unleſs they be new confirmed the laſt day of every ſeſſion.

Anſ. This power to call governors and all officers to account, and to create new and determine the old, is ſettled already in the general court or parliament, only it is not put forth but once in the year, viz. at the great and general court in May, when the governor is choſen.

Dem. 8. That the governor ſhall ever be choſen out of the rank of gentlemen.

Anſ. We never practice otherwiſe, chuſing the governor either out of the aſſiſtants, which is our ordinary courſe, or out of approved known gentlemen, as this year † Mr. Vane.

and

† 1636.

Dem. 9. That for the preſent, the Right Honorable the Lord Viſcount Say and Seale, the Lord Brooke, who have already been at great diſburſements for the public works in New-England, and ſuch other gentlemen of approved ſincerity and worth, as they, before their perſonal remove, ſhall take into their number, ſhould be admitted for them and their heirs, gentlemen of the country. But for the future, none ſhall be admitted into this rank but by the conſent of both houſes.

Anſ. The great diſburſements of theſe noble perſonages and worthy gentlemen we thankfully acknowledge, becauſe the ſafety and preſence of our brethren at Connecticut is no ſmall bleſſing and comfort to us. But, though that charge had never been diſburſed, the worth of the honorable perſons named is ſo well known to all, and our need of ſuch ſupports and guides is ſo ſenſible to ourſelves, that we do not doubt the country would thankfully accept it, as a ſingular favor from God and from them, if he ſhould bow their hearts to come into this wilderneſs and help us. As for accepting them and their heirs into the number of gentlemen of the country, the cuſtom of this country is, and readily would be, to receive and acknowledge, not only all ſuch eminent perſons as themſelves and the gentlemen they ſpeake of, but others of meaner eſtate, ſo be it is of ſome eminency, to be for them and their heirs, gentlemen of the country. Only, thus ſtandeth our caſe. Though we receive them with honor and allow them pre-eminence and accommodations according to their condition, yet we do not, ordinarily, call them forth to the power of election, or adminiſtration of magiſtracy, until they be received as members into ſome of our churches, a privilege, which we doubt not religious gentlemen will willingly deſire (as David did in Pſal. xxvii. 4.) and chriſtian churches will as readily impart to ſuch deſirable perſons. Hereditary honors both nature and ſcripture doth acknowledge (Eccleſ. x. 17.) but hereditary authority and power ſtandeth only by the civil laws of ſome commonwealths, and yet even amongſt them, the authority and power of the father is no where communicated, togther with his honors, unto all his poſterity. Where God bleſſeth any branch of any noble or generous family, with a ſpirit and gifts fit for government, it would be a taking of God's name in vain to put ſuch a talent under a buſhel, and a ſin againſt the honor of magiſtracy to neglect ſuch in our public elections. But if God ſhould not delight to furniſh ſome of their poſterity with gifts fit for magiſtracy, we would expoſe them rather to reproach and prejudice, and the commonwealth with them, than exalt them to honor, if we ſhould call them forth, when God doth not, to public authority.

Dem. 10. That the rank of freeholders ſhall be made up of ſuch, as ſhall have ſo much perſonal eſtate there, as ſhall be thought fit for men of that condition, and have contributed ſome fit proportion to the public charge of the country, either by their diſburſements or labours.

Anſ. We muſt confeſs our ordinary practice to be otherwiſe. For, excepting

the old planters, i. e. Mr. Humphry, who himſelf was admitted an aſſiſtant at London, and all of them freemen, before the churches here were eſtabliſhed, none are admitted freemen of this commonwealth but ſuch as are firſt admitted members of ſome church or other in this country, and, of ſuch, none are excluded from the liberty of freemen. And out of ſuch only, I mean the more eminent ſort of ſuch, it is that our magiſtrates are choſen. Both which points we ſhould willingly perſuade our people to change, if we could make it appear to them, that ſuch a change might be made according to God; for, to give you a true account of the grounds of our proceedings herein, it ſeemeth to them, and alſo to us, to be a divine ordinance (and moral) that none ſhould be appointed and choſen by the people of God, magiſtrates over them, but men fearing God (Ex. xviii. 21.) choſen out of their brethren (Deut. xvii. 15) ſaints (1 Cor. vi. 1.) Yea, the apoſtle maketh it a ſhame to the church if it be not able to afford wiſe men from out of themſelves, which ſhall be able to judge all civil matters between their brethren (ver. 5.) And Solomon maketh it the joy of a commonwealth, when the righteous are in authority, and the calamity thereof, when the wicked bear rule, Prov. xxix. 2.

Obj. If it be ſaid, there may be many carnal men whom God hath inveſted with ſundry eminent gifts of wiſdom, courage, juſtice, fit for government.

Anſ. Such may be fit to be conſulted with and employed by governors, according to the quality and uſe of their gifts and parts, but yet are men not fit to be truſted with place of ſtanding power or ſettled authority. Ahitophel's wiſdom may be fit to be heard (as an oracle of God), but not fit to be truſted with power of ſettled magiſtracy, leſt he at laſt call for 12000 men to lead them forth againſt David, 2 Sam. xvii. 1, 2, 3. The beſt gifts and parts, under a covenant of works (under which all carnal men and hypocrites be) will at length turn aſide by crooked ways, to depart from God, and, finally, to fight againſt God, and are therefore, herein, oppoſed to good men and upright in heart, Pſal. cxxv. 4. 5.

Obj. If it be ſaid again, that then the church eſtate could not be compatible with any commonwealth under heaven.

Anſ. It is one thing for the church or members of the church, loyally to ſubmit unto any form of government, when it is above their calling to reform it, another thing to chuſe a form of government and governors diſcrepant from the rule. Now, if it be a divine truth, that none are to be truſted with public permanent authority but godly men, who are fit materials for church fellowſhip, then from the ſame grounds it will appear, that none are ſo fit to be truſted with the liberties of the commonwealth as church members. For, the liberties of the freemen of this commonwealth are ſuch, as require men of faithful integrity to God and the ſtate, to preſerve the ſame. Their liberties, among others, are chiefly theſe. 1. To chuſe all magiſtrates, and to call them to account at their general courts. 2. To chuſe ſuch burgeſſes, every general

general court as with the magiſtrates ſhall make or repeal all laws. Now both theſe liberties are ſuch, as carry along much power with them, either to eſtabliſh or ſubvert the commonwealth, and therewith the church, which power, if it be commited to men not according to their godlineſs, which maketh them fit for church fellowſhip, but according to their wealth, which, as ſuch, makes them no better than worthy men, then, in caſe worldy men ſhould prove the major part, as ſoon they might do, they would as readily ſet over us magiſtrates like themſelves, ſuch as might hate us according to the curſe, Levit. xxvi. 17. and turn the edge of all authority and laws againſt the church and the members thereof, the maintenance of whoſe peace is the chief end which God aimed at in the inſtitution of Magiſtracy. 1 Tim. ii. 1. 2.

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*PETITION *of the Council for planting, &c.* NEW ENGLAND, *to the Lords of the Council in* ENGLAND.

[Hubbard's MSS. Hiſt.]

May it pleaſe your Lordſhips,

WHEREAS it pleaſed your Lordſhips to give Order to Sir Ferdinando Gorges to confer with ſuch as were chiefly intereſted in the Plantations of New England, to reſolve whether they would reſigne wholly to his Majeſty the Patent of New England, and to leave to his Majeſty and his Council the ſole manageing of the public affaires, with reſervation of every man's right formerly granted, or whether they would ſtand to the ſaid Patent, and proſecute the buſines amongſt themſelves, and to have the ſaid Patent renewed, with the Reformation or addition of ſuch things as ſhould be found expedient.

Wee whoſe names are hereunderwritten, being intereſted in the buſineſs, do humbly ſubmit to his Majeſty's Pleaſure to do therewith as he pleaſeth. But withall wee humbly deſire, that upon our Reſignation of our ſaid Patent, his Majeſty being to diſpoſe of the whole country ſeverally and immediately from himſelfe, thoſe diviſions upon the Sea-Coaſt that are here underdeſigned, may be inſtantly confirmed and beſtowed, by new Grants from his Majeſty unto us, to be holden of his Majeſty, paying the fifth Part, &c. and with the priviledge of the ſaid Patent, and ſuch further Royalties,

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* I apprehend this is not an exact, literal copy of the original Petition, but it is the only Paper I have met with, from which even the Subſtance of it could be collected. Hubbard mentions no date, but it muſt have been about the beginning of April, 1635.

Royalties, as the Lord Baltimore hath in his Patent for the Country of Maryland, ſaveing onely that we ſhould ſubmit ourſelves to the General Governour now preſently to be eſtabliſhed by his Majeſty for the whole Country, and after his deceaſe, or other Determination of his Office, that then, from the Lords of his Provinces, there may be an Election of three by Lot, which ſaid three perſons ſo elected, ſhall be preſented to the King, that out of that number one may be choſen by his Majeſty to ſucceed in the place of the General Governor, who ſhall in perſon, or by his ſufficient Deputy, reſide in the Country during the ſpace of three years onely, and ſo from three years to three years another Governor to be choſen ſucceſſively, and the old Governor to be left out of the Lot of Choice.

[" The ſeveral Diviſions of the twelve Provinces next followed after: The firſt " was from St. Croix to Pemaquid, the ſecond from Pemaquid to Sagadehock; " the third conteined the land between the rivers Ambros-Coggen and Kennebeck; " the fourth along the Sea Coaſt from Sagadehock to Paſcataqua; the fifth from " Paſcataqua to Naumkeek; the ſixth from Naumkeek round the Sea Coaſt by " Cape Cod to Narraganſet; the ſeventh from Narraganſet to the Halfe-Way-Bound " betwixt that and Connecticut River, and ſo 50 miles up into the Country; the " eighth from the Halfe-Way-Bound to Connecticut River, and ſo 50 miles up into " the Country; the ninth from Connecticut River along the Sea Coaſt to Hudſon's " River, and ſo up 30 miles, &c. the tenth from the 30 miles end to croſs up 40 " miles eaſtward; the eleventh from the weſt ſide of Hudſon's River 30 miles up " the country towards the 40th degree, where New England beginneth; the " twelfth from the end of the 30 miles up the ſaid River northward, thirty " miles further, and from thence to croſs into the land 40 miles. And out of " every one of theſe Provinces was 5000 acres to be granted to certaine perſons " there named in lieu of ſome former Grants made to each of them in thoſe Diviſions " which they were now to ſurrender, and to hold each man his 5000 acres in Fee " of the Lord of the Province: And the Lord of every one of theſe twelve Pro- " vinces was to ſend the ſame year ten men with the General Governor, well pro- " vided. To all which it is added in the laſt place,"*] It is humbly deſired that your Lordſhips would be pleaſed to order theſe things following.

1. That the Patent for the Maſſachuſetts-Bay may be revoked, and that all thoſe who have any other Grants within any of theſe Provinces, whether they have planted or not, upon any part of the ſame, yet they ſhall enjoy their Lands, laying down their Jura Regalia, if they had any; and paying ſome reaſonable Acknowledgment as freeholders to the Lord of the Province, of whom they are now to take new

* Hubbard.

new Grants of their ſaid Lands; and in caſe any of their Lands ſhall be found having exorbitant bounds, to have been unlawfully obteined, they ſhall be reduced to a leſſer proportion, as may be fitt for the Granter who is undertaker at the Direction of Sir Ferdinando Gorges; and if the Grantee ſhall be any ways refractory, and refuſe to ſurrender, and hold anew of the ſaid Lord of the Province, that then your Lordſhips would take order, by ſuch courſe as law will permit, to make voyd the ſame.

2. That every River that parts two Provinces ſhall equally belong halfe way over to that Province it lies contiguous to.

3. That the Iſlands upon the Seacoaſt, or within the River of any Province, being not here named, ſhall belong to the Province they ly neereſt unto.

4. That there is offered to your Lordſhips conſiderations the building of a City for the ſeat of the Governor, unto which City 4000 acres of land may be allotted, beſides the Diviſions abovementioned: And that every one that is to have any of theſe Provinces ſhall be at the Charge of ſending over with the Governor ten men towards the building of the ſaid City, wherein every ſuch Adventurer ſhall not only have his ſhare of the Trade and Buildings, but alſo ſhall have all other Fruit of the ten mens labor ſent as aforeſaid.

Moreover, there is humbly dedicated to the Foundation of a Church in the ſaid City, and Maintenance of Clergymen to ſerve in the ſaid Church, 10000 acres of land neer adjoining to the ſaid City.

COUNCIL *of* PLYMOVTH's *Grant to Capt.* JOHN MASON.

[Hubbard's MSS. Hiſt.]

FORASMUCH as by a mutual Agreement, wee whoſe names are ſubſcribed, patentees or Adventurers, and of the Council of New England, are to joyne in the Surrender to his Majeſtie of the great Charter of that Country, which was granted to us in the 18 yeare of the Reigne of King James, of bleſſed Memory. In whoſe preſence Feb. 3. 1634, Lotts were drawne for ſettling of divers and ſundry Diviſions of Lands on the Sea Coaſts of the ſaid Country, upon moſt of us, who hitherto have never been confirmed in the lands ſo allotted.

And to the intent that every one of us according to equity, and in ſome reaſonable manner, anſwerable to his Adventures, or other Intereſt, may enjoy a Proportion of the lands of the ſaid Country, to be immediately holden of his Majeſtie; We therefore do condeſcend and agree, that all the part of the Sea Coaſt of the Country

Country aforeſaid ſhall belong to Captain John Maſon, to begin at the middle of Naumkeek River, and from thence to proceed eaſtward, along the Sea Coaſt, to Cape Anne, and round about the ſame into Paſcataqua Harbour, and ſo forward up the River of Newichawanock, and to the furtheſt head of the ſaid River, and from thence northweſtward till 60 miles be finiſhed from the firſt entrance of Paſcataqua Harbour. Alſo from Naumkeek through the Harbour and River thereof up into the land weſt 60 miles, from which period to croſs over land to the 60 miles end, accounted from Paſcataqua, through Newichawanock River, and into the ſaid land northweſt as aforeſaid; and hereunto is to belong the South halfe of the Iſle of Shoales, and 10000 acres of land on the ſoutheaſt part of Sagadehock, at the mouth or entrance thereof. Saving and reſerving out of this Diviſion, to every one that hath any lawfull grant of lands, or Plantation lawfully ſettled in the ſame, the freeholding and enjoying of his right, with the liberties thereunto appertaining, laying down his Jura Regalia, if he have any, to the Proprietor of his Diviſion, wherein his land lyes, and paying ſome ſmall acknowledgment for that he is now to hold his ſaid land anew of the Proprietor of his Diviſion.

Lenox,
Hamilton,
Arundell & Surrey,
Carliſle,

Starling,
Edward Gorges,
Ferd: Gorges.

GRANT *of* NEW-HAMPSHIRE *and* MASSONIA *to Captain* JOHN MASON.

[Records of the Province of Maine.]

TO all Chriſtian People unto whom theſe Preſents ſhall come, the Councell for the Affayres of New England, in America, ſend Greeteing in our Lord God everlaſting. Whereas our late Soueraign Lord King James, of bleſſed memory, by his Highneſs's letters-pattents vnder the Great Seal of England, beareing date at Weſtminſter, the third day of November, in the eighteenth yeare of his Reign over his Highneſs's Realme of England, for the Conſideration in the ſaid Letters-pattents expreſſed and declared, hath abſolutely giuen, granted, and confirmed vnto the ſaid Counſell, and their ſucceſſors for euer, all the land of New England in America lying and being in breadth from fourty degrees of northerly latitude from the Equi-

be not very free) draw forward, ſoe will it be in this caſe: A noteable experiment of this they gave in youer Meſſengers preſence, conſtraining the Company to promiſe that none of the mony now gathered, ſhould be expended or employed to the healp of any of vs towards you. Now touching the queſtion propounded by you, I judge it not lawfull for you, being a ruling Elder as Rom. xii. 7. 8. and firſt of Tim. v. 17. oppoſed to the Elders that teach and exhort, and labour in the word and doctrin, to which the Sacraments are annexed to adminiſter them, nor convenient if it were lawfull. Be you hartily ſalluted and youer wife with you, both from me and mine: Youer God and ours, and the God of all his, bring vs together if it be his will, and keep vs in the mean while, and alwaies to his Glory; and make vs ſerviceable to his Majeſtie, and faithfull to the end. Amen.

Youer very loveing Brother,

Leyden, December 20, 1623.

JOHN ROBINSON.

In Anno 1629, a conſiderable number of the Bretheren of the Church, which were left in Holland, were tranſported over to vs, that were of the Church in New-England, which although it was att about 500lb. charges, yett it was bourne chearfully by the poor Bretheren heer concerned in it; alſoe about that time, ſeverall Godly perſons, ſome wherof had bin of Mr. Laythorpes Church in England, and others alſoe came to vs out of England, ſoe that wee became, through the goodneſs of God pretty numerous.

By the underworking of ſome enemies to the Churches in New-England, the following Comiſſion was procured of his Majeſtie, Charles the Firſt, Kinge of England, &c. what the reaſon was that it was not put in execution I cannot learn—I have tranſcribed it, that after ages may improve it as an experiment of God's goodneſs to this poor Church at Plymouth, whoe with the other Churches in New-England, was in as great danger to ſhare in drinking as deep of this bitter Cupp as any other, if the Lord had not prevented it. [See *the Commiſſion in Page* 344.]

COMMISSION *to Sir* WILLIAM RUSSEL, *Knight, and others.*

[Rymer's Fœdera, Tom. XIX. Page 560. A. D. 1634.]

CHARLES, by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c. To our truſty and welbeloved Sir William Ruſſell, Knight and Baronet, Sir William Uvedale, Knight, Sir Dudley Diggs, Knight,

Knight, Sir John Wolſtenholme, the elder, Knight, Sir Sampſon Darell, Knight, Sir John Wolſtenholme, the younger, Knight, Sir Abraham Dawes, Knight, Sir John Jacob, Knight, Henry Garaway, of London, Alderman, Anthony Abdy, of London, Alderman, John Latch, and John St. Almond, Eſquires, Iſaac Jones, Marmaduke Royden, Robert Oxwick, John Slang, and Philip Burlamachy, of London, Merchants, Edward Ditchfield, of London, Merchant, Reuben Borne, and George Brumley, of London, Grocers. Whereas, not long ſince, by our ſeveral proclamations, we have declared our Royall pleaſure concerning the Importing of all ſorts of Tobacco growing upon our Engliſh Plantations to the Port of London; with ſtrict charge and comands to our ſeveral Officers to ſee the ſame performed accordingly; and alſo have, for divers reaſons expreſſed in the ſaid proclamations, confirmed and renewed our ſtreight comands, and directions to all our Juſtices of Aſſize, our Juſtices of Peace, our Mayors, Sheriffs, and all other our Officers of our ſeveral Counties, in their ſeveral places, to be aiding and aſſiſting to thoſe we have and ſhall imploy for the depreſſing and rooting out of all Engliſh Tobacco lately planted and growing in divers places of our Realm of England, and Ireland; which ſaid Proclamations being duly executed, will no doubt much advantage the benefit of the ſaid foreign Plantations, as alſo a better conformity in the orderly payment of our Cuſtom and Impoſt uſually paid us for the ſame: Yet having of late received credible Information that many of the ſaid Planters reſiding upon the ſaid Colonies, have and are ſtill likely to ſuffer under the burden of many oppreſſions occaſioned by the ſecret and indirect Trade of particular Merchants and Shopkeepers, who make a prey of them and their Labours, by ſupplying their neceſſities with Commodities at ſuch unreaſonable rates, that they are uſually forced to pay fifty or ſixty pounds weight of Tobacco for a pair of Shoes, with ſuch like unconſcionable advantages in ſeveral other Merchandizes, that the poor Planters have had ſcarce neceſſaries for their bodies, but have engaged the moſt part of their Crops beforehand, to their ſaid Merchants and Shopkeepers, in ſo much that they only labour and toil to inrich thoſe that thus work upon their neceſſities, without any ability either to ſatisfy us our Ordinary duties, or to apply themſelves to more noble and ſtable Comodities whereby they may become of conſequence to our Crown of England; which unjuſt and unconſcionable courſe of the ſaid Merchants and Shopkeepers (as we are likewiſe informed) have ſome years paſt been ſo grievous unto the ſaid Planters, that they have, contrary to expectation, been forced, not only to petition for abatement of our ordinary Cuſtoms and Impoſts, but have in extreme neceſſity begged their Bread from door to door, without any help or relief from the ſaid Merchants and Shopkeepers: By which means, and out of the woful experience of their miſeries, they have been of late years compelled to offer their Tobacco to divers of the Merchants of London, tendering unto them a Contract for ſome term of years, which being refuſed, they have ſince been forced to ſend the moſt part of their Tobacco for foreign parts, without

out any payment of our ordinary duties, any regulation either in quality or quantity of Tobacco, or any reſpect to us or our Dominions, from whence they have annual ſupport of Men, Munition, aud Proviſions, and this contrary to our Royal Comand in our ſeveral Proclamations, and ſeveral Orders of our Councel in that behalf; by all which, and other indirect and diſorderly proceedings in the ſaid Plantations we apparently ſee the danger of their utter ruin, beſides the loſs of thoſe juſt profits that do belong unto us. And, being lately ſolicited by divers of that body (who do ſenſibly groan under the Burden) to take all theſe grievances into our Royall conſideration. And, finding, that in their Infancies, as yet the chiefeſt comodity that muſt ſupport and enable them to more ſtable Comodities, is this of Tobacco, for which if they fail of an Indifferent and reaſonable rate the ſaid Planters muſt wholly be diſabled and impoveriſhed. Having adviſed with our Lords and others of our Privy Councel, we are reſolved, and our will and Pleaſure is, to have hereafter the ſole preemption of the ſaid Tobacco growing upon our ſaid Plantations, and that at ſuch rates and prices as ſhall be found fitt (having reſpect to the ſupport of the ſaid Colonies: And being moved to make choice of ſome fitt and able perſons who have experience of the value and quality of the ſaid ſeveral ſorts of Tobacco, as alſo of the condition of the preſent ſtate of the ſaid Plantations, and have obſerved the great neceſſities and miſeries they have endured by the irregular planting and ordering thereof, and unconſcionable practices put upon them in the ſale thereof: Know ye therefore, that we repoſing eſpecial Truſt and Confidence in your fidelity, long experience, and diligence, have nominated, conſtituted, and appoinṫed, willed, and required, and by theſe Preſents do nominate, conſtitute, and appoint, will, and require you the ſaid Sir William Ruſſell, Sir William Uvedale, Sir Dudley Diggs, Sir John Wolſtenholme, the elder, Sir Sampſon Darell, Sir John Wolſtenholme, the younger, Sir Abraham Dawes, Sir John Jacob, Henry Garaway, Anthony Abdy, John Latch, John St. Almand, Iſaac Jones, Marmaduke Royden, Robert Oxwick, John Slang, Philip Burlamachy, Edward Ditchfield, Reuben Burne, and George Brumley to be our Commiſſioners: Giving, and by theſe preſents granting unto you, and unto any ſeaven or more of you, (whereof you, the ſaid Sir John Wolſtenholme, the elder, Sir John Wolſtenholme, the younger, Sir Abraham Dawes, or Sir John Jacob, to be one) full power and authority to call before you all ſuch perſon and perſons as have any Intereſt in the Plantations of Virginia, Bermudas, the Caribe Iſlands, or any other of our Engliſh Colonies, and acquainting them with this our Royal Will and Pleaſure to require them to declare unto you, or any ſuch ſeaven or more of you, their ſeveral Intereſts, and to demand and know what quantities of Tobacco they have upon their ſeveral plantations, what they expect upon their returns, and when they ſhall have the ſame: And in our name to treat and contract with them, either in Part or Company, for their ſeveral quantities; that their ſeveral quan-

tities

tities being taken off at reaſonable rates, and in different days of payment, they may bring no interruption in our intended contract with the Planters themſelves upon the ſaid Plantations: And becauſe many of them upon ſome private end may ſeem unwilling to make this Contract, alledging that the Planters inhabiting in the ſaid Colonies are the chief Owners and Ingroſſers of the ſaid Tobacco, and that there is little belonging to them, but for ſatisfaction of ſeveral parcels of Goods and wares which they have ſerved into thoſe Colonies, for which they have no payment but by Tobacco, Theſe are to require you and authorize you, and any ſuch ſeaven or more of you, to aſſure, on our behalf, the ſaid Planters and Owners, that we are now ſending our Comiſſion into every of the ſaid Plantations to treat and conclude the Contract there; and that we hold it fitting, firſt to begin at home, that the ſaid Planters may ſee we have omitted nothing that ſhall conduce to this ſervice, or that may take away any Obſtacles there upon pretences of Debts or otherwiſe: And if any of the ſaid Debts ſhall appear to be of ſo great value, you are likewiſe to enquire of the condition of them, and whereupon they grow, that if it ſhall be found juſt and fitting, we may give order to examine the ſame there alſo, and to regulate ſuch Order to the Merchants and Shopkeepers here as ſhall be reaſonable for their gain, and not now oppreſſive and burthenſome to the ſaid poor Planters. And becauſe the ſeaſon calls upon a diſpatch in this buſineſs; and that we may be the better informed of all difficulties that may ariſe in the ſame, Our Will and Pleaſure is, that you forthwith give us an account of your proceedings and concluſions herein: And if any Oppoſition be made, as in all buſineſs of this nature the beginnings are full of doubts and Interruptions, Our Will and Pleaſure is, that you certify unto us the names of ſuch that are refractory to our Comands; and if they ſhall demand greater rates then you on our behalf ſhall think fit to be given, or ſhall make any other pretences why they ſhould not ſubmit themſelves to this our Royall Pleaſure, wherein our Aim is not for our own private profit, as for the ſupport of our ſaid Colonies and preſervation of our Subjects who live and reſide there: Our Will and Comand is alſo that you, or any ſuch ſeaven or more of you certify together with ſuch their refuſal the reaſons they offer for the ſame, to the end that we may perceive what can be objected againſt this our Royal intention: And becauſe our deſire is to have all expedition in this Contract, and to proceed abroad upon the ſaid Plantations with the ſame expedition we go at home, Our Will is, and we do require you to give ſuch attendance upon this our ſervice, that we may have this our Comiſſion returned unto us before the fourteenth day of July next; and herein to conſider of all ſuch occurrences that as well here as upon the ſaid Plantations may fall out for the advancement of this onr ſervice, together with the prices you ſhall think requiſite to be given; the days of payment you ſhall agree for, with the quantities and qualities of each Plantation to be yearly allowed; and for what term of years the ſaid Contract ſhall continue; and

by

thereof, and to give their opinions according to juſtice, &c. That there is no matter of moment can be determined oft, neither by myſelfe, nor by my Lievetenant in my abſence, but by the advice and aſſent of the whole body of the Councell, or the greater part of them, ſufficiently called and ſummoned to the Aſſembly.

That no judge or other Miniſter of State to be allowed of, but by the advice and aſſent of the ſaid councell, or the greater part of them, as before.

That no alienation or ſale of Land be made to any, but by their Councell and aſſent, be it by way of gift for reward, or ſervice, or otherwiſe whatſoever.

That no man to whom there hath beene any Grant paſt of any Freehold, ſhall alienate the ſame without the aſſent and licence of the ſaid Councell, firſt had and obtained.

That in caſe any law to be enacted or repealed, mony to be levyed, or forces for publique defence,

The ſummons thereof to the ſeverall Bailywicks or Counties, is to be iſſued out in my name, but with the conſent of the ſaid Councell, by virtue whereof power is to be given to the Freeholders of the ſaid counties reſpectively, to elect and chooſe two of the moſt worthy within the ſaid County, as Deputies for the whole, to joyne with the Councell for performance of the ſervice for which they were called to that Aſſembly, all appeals made for any wrong or injuſtice committed by any the ſeverall Officers of any of the ſtanding Courts of Juſtice, or authority of any other perſon or perſons.

For the better eaſe of the Inhabitants of the ſeverall Balywicks or Counties, there is aſſigned one Lievetenant and eight Juſtices, to adminiſter Juſtice, for maintenance of the publique peace, according to the Laws provided: Theſe officers and juſtices to be choſen and allowed of by myſelfe, or any Lievetenant in my abſence, with the aſſent of the ſaid Councell belonging unto me.

As for the Conſtables of the Hundreds, Conſtables of the Pariſhes, with the ſeverall Tything men of every Pariſh to be choſen by the Lievetenant and Juſtices of the ſeverall Counties, to whom ſuch oaths are to be adminiſtred, as by the Councell and myſelf, or Lieutenant ſhall be thought fit.

That every Hundred ſhall have two head Conſtables aſſigned them, and every Pariſh one Conſtable and four Tything men, who ſhall give account to the conſtable of the Pariſh of the demeanour of the Houſholders within this Tything, and of their ſeveral Families; the conſtable of the Pariſh ſhall render the ſame accompt fairly written to the Conſtables of the Hundred, or ſome of them, who ſhall preſent the ſame to the Lievtenant and Juſtices at their next ſitting, or before if cauſe require, and if it be matter within the power of the Lievtenant and Juſtices to determine of, then to proceed therein according to their ſaid authority, otherwiſe to commend it to myſelf or my Lievtenant and Councell.

AT

AT *a Meeting at the* EARL *of* CARLISLE'S *Chamber at* WHITEHALL, *the 25th, April* 1635.

[From a MSS. Copy.]

PRESENT.

Lord Gorges, Preſident,
Marqueſs Hamilton,
Earl of Arundell,
Earl of Southampton,
Earl of Lindſay,
Earl of Carliſle,
Earl of Sterline,
Lord Mattrevers,
Capt. Maſon, Vice Preſident,
Lord Alexander,
Sir Ferdinando Gorges,
Sir Kenelme Digby,
Sir Robert Manſell,
Sir Henry Spellman,
Sir James Baggs,
Mr. Montague.

A Declaration of the Council of New-England for the Reſignation of the Great charter, and the Reaſons moving them thereto.

FORASMUCH as we have found by a long experience, that the faithful endeavours of ſome of us, that have ſought the Advancement of the Plantation of New England, have not been without frequent and inevitable troubles as companions to our undertakings from our firſt diſcovery of that Coaſt to this preſent, by great Charges and neceſſary Expences; but alſo depriving us of divers of our near Friends and faithful Servants employed in that work abroad, whilſt ourſelves at home were aſſaulted with ſharp litigious queſtions before the Lords of his Majeſty's moſt honorable Privy Council, by the Virginia Company, and that in the very infancy thereof; who, finding they could not prevail in that way, they failed not to proſecute the ſame in the Houſe of Parliament, preſenting our ſaid Plantation to be a grievance to the Commonwealth, and for ſuch pretended it unto King James, of bleſſed memory; who, although his Juſtice and Royal Nature could not ſo reliſh it, but was otherwiſe pleaſed to give His gracious encouragement for proſecution thereof, yet ſuch was the times as the affections of the multitude was thereby diſheartened; and ſo much the more by how much it pleaſed God, about that time, to bereave us of the moſt noble and principal Props thereof, as the Duke of Lenox, Marqueſs Hamilton, and many other ſtrong ſtayes to this weak building; then followed the Claim of the French Ambaſſador, taking advantage of the diviſions made of the Sea Coaſt between ourſelves,

ſelves, to whom we made a juſt and ſatisfactory Anſwer as it ſeems, for that he reſted contented therewith, and ſince that we heard no more thereof.

Nevertheleſs theſe croſſes did draw upon us ſuch a diſheartened Weakneſs, as there only remained a Carcaſs, in a manner breathleſs, 'till the end of the laſt parliament, when there were certain that deſired a Patent of ſome lands in the Maſſachuſetts-Bay to plant upon, who preſented the names of honeſt and religious men, eaſily obtained their firſt deſires; but thoſe being once gotten, they uſed other means to advance themſelves, and ſtep beyond their firſt Proportions to a ſecond Grant ſurruptitiouſly gotten of other lands, alſo juſtly paſſed unto Captain Robert Gorges, and others long before, who being made governor of theſe parts, went in perſon and took an abſolute Seiſure and actual Poſſeſſion of that country by a ſettled Plantation he made in the Maſſachuſetts-Bay, which afterwards he left to the charge and cuſtody of his ſervants and certain other Undertakers and Tenants belonging unto ſome of us, who were thruſt out by theſe Intruders that had exorbitantly bounded their Grant from eaſt to weſt through all that main land from ſea to ſea, being near about three thouſand miles in length, withal riding over the heads of thoſe Lords and others that had their Portions aſſigned unto them in His late Majeſty's preſence, and with his Highneſs's approbation, by Lot upon the ſouth coaſt from eaſt to weſt ſome eighty and one hundred leagues long; but herewith not yet content, they laboured and obtained unknown to us, a Confirmation of all this from his Majeſty, and unwitting thereof, by which means they did not only enlarge their firſt extents to the weſt limits ſpoken of, but wholly excluded themſelves from the public government of the council authoriſed for thoſe affairs, and made themſelves a free people, and for ſuch Hold of themſelves at preſent, whereby they did rend in pieces the firſt foundation of the Building, and ſo framed vnto themſelves both new laws and new conceipts of matter of Religion and forms of Eccleſiaſtical and Temporal Orders and government, puniſhing divers that would not approue thereof, ſome by whipping, and others by burning their Houſes over their heads, and ſome by baniſhing, and for the like, and all this partly under other pretences, though indeed for no other cauſe, ſave only to make themſelves abſolute maſters of the Country, and unconſcionable in their new Laws, ſo as theſe Complaints poſting firſt unto ourſelves that had no ſufficient means to redreſs, or give ſatisfaction to the perſons aggrieved, they were at laſt of Neceſſity Petitioners to his Majeſty, who, pitying their caſes, referred them to the lords to examine the truths thereof and to conſider of the means of Reformation; who, calling ſome of us to give account by what authority, or by whoſe means, theſe people were ſent over, and conceiving us to be guilty thereof, we were called for from our houſes, far remote in the country, at unſeaſonable times, to our great charge and trouble: but, as innocence is confident, ſo we eaſily made it appear that we had no ſhare in the evils committed, and wholly diſclaimed the having any hand therein, humbly referring

ferring to their Lordſhips to do what might beſt ſort with their wiſdoms; who found matters in ſo deſperate a caſe, as that they ſaw a neceſſity for his Majeſty to take the whole buſines into his own hands, if otherwiſe we could not undertake to rectify what was brought to ruin; but finding it a taſk too great for us to perform, we rather choſe to reſign all into his Majeſty's Hands to do therein as he pleaſed, to whom we conceived it did principally belong, to have care of a buſineſs of ſo high conſequence as now it is found to be. After all theſe troubles, and upon thoſe conſiderations it is now reſolved, that the patent ſhall be ſurrendered unto his Majeſty, with reſervation of all ſuch lawful Rights as any is or hath been ſeized with, either before or ſince the Patent granted to thoſe of the Bay of the Maſſachuſetts, and that it may pleaſe his Royal Majeſty to paſs particular grants unto us of ſuch proportions of lands as we have mutually agreed upon and are recorded before in this book; that ſo we having his Majeſty's Grants of the ſame under a ſettled government, may the more chearfully proceed in the planting of our ſeveral provinces, and with a better courage and aſſurance proſecute the ſame to a full ſettling of the ſtate of thoſe countries, and a dutiful obedience to all ſuch as ſhall come unto us, to his Majeſty's laws and ordinances there to be eſtabliſhed and put in execution by ſuch his Majeſty's Lieutenants or Governors as ſhall be employed for thoſe ſervices, to the Glory of Allmighty God, the Honour of his Majeſty, and public Good of his faithful Subjects.

And thus much we have thought fit to have recorded, and in convenient time publiſhed, that Poſterity may know the reaſons and neceſſities moving us to quit ourſelves of theſe Inconveniences and dangers that might have fallen upon the Plantations for want of power to reform the ſame.

To the KING's most excellent MAJESTY.

The humble Petition of Edward Lord Gorges, *Preſident of the Council of* New-England, *in the Name of himſelf and divers Lords and others of the ſaid Council.*

Humbly Prayeth

THAT foraſmuch as they are preſently to joyn in a voluntary Surrender of the grant Patent of their Corporation to your Majeſty, that your Majeſty would be graciouſly pleaſed to give order to Mr. Attorney General to draw ſuch Patents

for Confirmation, for ſuch parcells of land as by mutual conſent in their Court have formerly been allotted to them, and to have the ſaid Patents prepared for your Majeſty's royal Signature, with ſuch priviledges and immunities as heretofore they have or might have enjoyed with their lands by virtue of the ſaid Grand Patent; the ſaid lands to be holden immediately of your Majeſty, and ſubmitting themſelves to your Majeſty's Governor or Lieutenant of New England for the time being, with Reſervation of the Right of every one lawfully planted in any of ſaid lands, according to an act in that caſe made and provided by the ſaid Council in their Court, by means whereof every of them know their own intereſts and authority, may be the better able to plant their lands and govern their tenants and ſervants, to the honour of your Majeſty, and rendering ſuch obedience to your highneſs laws and command as ſhall be approved of, and for the common good, weal, and happineſs of themſelves and the whole country. And ſhall ever pray.

Preſented to his Majeſty
1mo May, 1635.

Hubbard ſays it was dated April 6. 1635.

THE *Act of* SURRENDER *of the Great Charter of* NEW ENGLAND *to his Majeſty.*

[From a MSS. Copy.]

To all Chriſtian People to whom this preſent Writing ſhall come: The Preſident and Council eſtabliſhed at Plymouth *in the County of* Devon, *for planting, ruling, and governing of* New England *in* America, *ſend* Greeting, *in our Lord God everlaſting.*

WHEREAS our late Sovereign Lord King James, of ever bleſſed memory, by his Highneſs Letters Patents under the Great Seal of England, bearing date at Weſtminſter, the third day of November, in the eighteenth year of his Majeſty's reign of England, France, and Ireland, and of Scotland the four-and-fiftieth: Upon the motives, reaſons, and cauſes in the ſaid Letters Patents mentioned and contained, Did for him, his heirs, and ſucceſſors, grant, ordain, eſtabliſh, and confirm his then right truſty and right well beloved Couſins and Councillors Lodowick then Duke of Lenox, Lord Steward of his Houſehold, George then Marqueſs of Buckingham then High Admiral of England, James then Marqueſs of Hamilton, William then Earl of Pembroke and then Lord Chamberlaine of his Houſehold, who are ſince deceaſed; Thomas now Earl of Arundell, and divers others of his Nobility

and Gentry of this realme of England, therein named, to be the firſt and preſent Council eſtabliſhed at Plymouth aforeſaid, for the planting, ruling, and governing of New England in America aforeſaid: And then the ſaid then Duke of Lenox, Marqueſs of Buckingham, Marqueſs of Hamilton, Earl of Pembroke, and Earl of Arundel, and the ſaid others of the Nobility and Gentry therein named, and the ſurvivors of them and their ſucceſſors, to be elected as in the ſaid Letters Patents is expreſſed, did by the ſaid Letters Patents incorporate, erect, ordain, name, conſtitute, and eſtabliſh to be one body politick and corporate, in Deed and Name, by the Name of the Council of Plymouth aforeſaid, in the ſaid County of Devon, for the planting, ruling, and governing of New England in America aforeſaid, to have perpetual ſucceſſion, with divers other powers, priviledges, immunities, proviſions, and reſtrictions, for the propagation and eſtabliſhing of true Religion in thoſe parts, and for the better regulating of the ſame plantations, as in and by the ſame Letters Patents, due Reference thereunto had more plainly and at large appeareth. Now Know ye that the ſaid Preſident and Council, for divers good cauſes and conſiderations them thereunto moving, have given, granted, aſſigned, yielded up, and ſurrendered, and by theſe preſents do give, grant, aſſign, yield up and ſurrender unto our moſt gracious Sovereign Lord Charles, by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, the ſaid Letters Patents to the Duke of Lenox, Marqueſs of Buckingham, Marqueſs Hamilton, William Earl of Pembroke, Thomas Earl of Arundel, and to the reſt of the Nobility and Gentry of this kingdom therein named, for the planting, ruling, and governing of New-England in America aforeſaid, and all and every the liberties, licences, powers, priviledges and authorities therein and thereby given and granted, or mentioned to be given and granted, and all their and every their right, eſtate, title, intereſt, claim, demand whatſoever of, in, and to the ſame Letters-Patents, licences, powers, priviledges and authorities, and of, in and to, every or any part or parcell of them or any of them. In Witneſs whereof the ſaid Preſident and Council have cauſed their common Seal to be put to theſe preſents, the ſeventh day of June in the eleventh year of the reign of our Sovereign Lord King Charles, and in the year of our Lord God, one thouſand ſix hundred thirty five.

ARTICLES *made between the Right Honorable the Lord Viſcount* SAY *and* SEAL, *Sir* ARTHUR HASSELRIG, *Baronet*, *Sir* RICHARD SALTONSTALL, *Knight*, HENRY LAWRENCE, HENRY DARLEY *and* GEORGE FENWICK, *Eſqrs; on the one part, and* JOHN WINTHROP, *Eſq; the younger, of the other, the 7th of July* 1635.

[Trumbull's Vindication of the Connecticut Title to Lands Weſt of New-York.]

Firſt, THAT we in our names, and the reſt of the company, do by theſe preſents appoint John Winthrop the younger, governor of the river Connecticut in New-England, and of the harbour and places adjoining, for the ſpace of one year, from his arrival there.—And the ſaid John Winthrop doth undertake and covenant for his part, That he will with all convenient ſpeed repair to thoſe places, and there abide as aforeſaid for the beſt advancement of the company's ſervice.

Secondly, That ſo ſoon as he comes to the bay, he ſhall endeavour to provide able men to the number of fifty at leaſt, for making of fortifications and building of houſes at the river Connecticut and the harbour adjoining—firſt for their own preſent accommodation, and then ſuch houſes as may receive men of quality, which latter houſes we would have to be builded within the fort.

Thirdly, That he ſhall employ thoſe men according to his beſt ability, for the advancement of the company's ſervice, eſpecially in the particulars above mentioned, during the time of his government, and ſhall alſo give a true and juſt account of all the monies and goods committed to his managing.

Fourthly, That for ſuch as ſhall plant there now in the beginning he ſhall take care that they plant themſelves either at the harbour or near the mouth of the river that theſe places may be the better ſtrengthened for their own ſafety, and to that end that they alſo ſet down in ſuch bodies together, as they may be moſt capable of an entrenchment, provided that there be reſerved unto the fort for the maintenance of it, one thouſand or fifteen hundred acres, at leaſt, of ground as near adjoining thereunto as may be.

Fifthly, That for as much as this ſervice will take him off from his own employment, the company do engage themſelves to give him a juſt and due conſideration for the ſame.—In witneſs whereof we have interchangeably hereunto ſubſcribed our names.

W, SAY & SEAL, ARTHUR HASSILRIG.

RICHARD SALTONSTALL,

HENRY LAWRENCE,

GEORGE FENWICK,

HENRY DARLEY.

APPOINTMENT *of* JOHN WINTHROP, *Junior, to be Governor of the River* CONNECTICUT.

[Trumbull's Vindication.]

"KNOW all men by theſe preſents that we Arthur Haſſelrig, Bart. Sir Richard Saltonſtall, Knt. Henry Lawrence, Henry Darley, and George Fenwick, Eſqs; in our own names, and in the name of the right honorable Viſcount Say and Seal, Robert Lord Brook, and the reſt of our company, Do ordain and conſtitute John Winthrop, Eſq; the younger, governor of the river Connecticut, with the places adjoining thereunto, for and during the ſpace of one whole year, after his arrival there, giving him from and under us, full power and authority, to do and execute any ſuch lawful act and thing both in reſpect of the place and people, as alſo of the affairs we have or ſhall have there, as to the dignity or office of a governor doth or may appertain. In witneſs whereof we have hereunto put our hands and ſeals, this 18th day of July, 1635.

ARTHUR HASSELRIG,

RICHARD SALTONSTALL, GEORGE FENWICK

HENRY LAWRENCE, HENRY DARLEY."

Five ſeals appendant impreſſed in one large piece of wax.

A LIST

A LIST *of the Returns from* NEW NETHERLAND, *now* NEW-YORK.

					Guilders.
In the year	1624	4000	Beavers	700 Otters	27125
	1625	5295	——	463 ——	35825
	1626	7258	——	857 —— &c.	45050
	1627	5934	——	130 ——	43690
		1586	——	240 ——	12730
	1628	6951	——	734 —— &c.	61075
	1629	5913	——	681 ——	62185
	1630	6041	——	1085 ——	68012
	1632	8569	——	546 ——	94925
		4944	——	1115 —— &c.	48200
	1633	8800	——	1383 —— &c.	91375
	1635	14891	——	1413 —— &c.	134925
					725,117

COST *of* NEW NETHERLAND, *now* NEW-YORK.

THE Dutch Weſt-India Company failed in 1634, and from a ſtate of their accounts drawn up in 1635 (part of which was in poſſeſſion of Mr. Henry Kip, late of New-York, deceaſed, and from which this extract was made) it appears, that

	Guilders.	*Stuyvers.*
Fort Amſterdam, in New Netherland coſt the Company	4172	10
And that New Netherland (the Province) coſt	412800	11

EXTRACT *from the Will of Captain* JOHN MASON.

" NOW as concerning the diſpoſition of all and ſingular my Mannors, Meſſuages, Lands, Tenements, and hereditaments, with their and every of their rights, members and appurtenances, as well within the realm of England as elſewhere, I give, deviſe, and bequeath the ſame, and every of them, to ſuch perſon and perſons, upon ſuch truſts and confidence to ſuch uſes and intents and purpoſes, and under ſuc

ſuch proviſoes and conditions, limitations as are hereafter expreſſed; that is to ſay, firſt, I give, deviſe, and bequeath unto the Mayor and Commonallity and Corporation of the town of Kinglyn in the County of Norfolk, where I was born, by what name, title, or addition ſoever, the ſaid Town or Corporation is, have been, or ſhall be called, known or incorporated, and to their ſucceſſors forever, under the proviſoe or conditions neverthelefs hereafter expreſſed, two thouſand acres of land in my County of New-Hampſhire, or Maſon Hall in New-England, which by my Executrix * and Overſeers † aforeſaid, ſhall be thought moſt fit, and the reverſion and reverſions, remainder and remainders, of the ſaid two thouſand acres of land and every part thereof."—" Item, I give, deviſe, and bequeath unto my loving Brother-in-law, John Wollaſton, and to his heirs and aſſigns for ever, to be holden of my heirs in fee farm, three thouſand acres of land, with the appurtenances, in my County of New-Hampſhire or Mannor of Maſon Hall aforeſaid, where my ſaid Brother and Executrix ſhall think fit."—" I give, deviſe, and bequeath unto my grand child Ann Tufton, and to her heirs and aſſigns for ever—all thoſe my lands, tenements, and hereditaments, with the appurtenances lying and being at Capham of Wagam, upon the South Eaſt ſide of Sagadahock in New-England aforeſaid, called Maſonia, and containing by eſtimation ten thouſand acres, or thereabouts, be the ſame more or leſs."—" Item, I give, deviſe, and bequeath unto my grand child Robert Tufton, and to his heirs and aſſigns forever, under the proviſoes and conditions neverthelefs, hereafter expreſſed, all that my manor of Maſon Hall in New-England aforeſaid, with all the lands, tenements, hereditaments, rights, members and appurtenances thereto belonging, except ſuch part of the Land thereunto belonging as is before bequeathed by this my will and the reverſion, remainder, and remainders, rents, and other yearly profits whatſoever of the ſame premiſes, to have and to hold the ſame [and] every part thereof, except before excepted, unto my ſaid grand child Robert Tufton and to his heirs and aſſigns forever; provided always, and upon condition, neverthelefs, and my true intent and meaning is, that the ſaid Ann my wife, ſhall have and enjoy the ſaid Mannor and premiſes given unto my ſaid grand child Robert Tufton as aforeſaid, and receive, take, and enjoy to her own proper uſe the rents, iſſues and profit thereof, until my ſaid grandſon, Robert Tufton, ſhall attain and accompliſh his full age of one and twenty years, if my ſaid wife ſhall live ſo long; provided alſo, and my further will and meaning is, and I do hereby deviſe and appoint, that my ſaid grand child Robert Tufton, ſhall alter his firname, and firname himſelf Maſon, before he ſhall be

* His Wife Ann Maſon. † His Brother-in-Law John Wolaſton.

be capable to enjoy the ſaid mannor, and † promiſe accordiug to this my will, for that my true intent and meaning is, that the ſaid mannor and premiſes ſhall continue in my name as now it doth and no otherwiſe. Item, I give, ‡ adviſe, and bequeath unto my ſaid Brother-in-law, John Wollaſton, his heirs and aſſigns forever—two thouſand acres of [land] in my County of New-Hampſhire, in New-England aforeſaid; where my ſaid Brother and Executrix aforeſaid ſhall think fit, upon truſt and confidence, and to the uſe, intents and purpoſes, that my ſaid Brother John Wallaſton or his heirs, and my ſaid wife Ann Maſon, ſhall with all ſpeed convenient after my deceaſe, at the charge of my eſtate, in due form of law, ſettle and convey one thouſand acres of the ſaid land, to ſome feoffees in truſt, and to their heirs forever, for and towards the maintenance of an honeſt, godly, and religious preacher of God's word, in ſome Church or Chapple, or other publick place appointed for Divine Worſhip and ſervice within the ſaid county of New-Hampſhire, where my ſaid wife and brother ſhall think fit, the ſaid feoffees and their heirs, paying and allowing unto my heirs forever, the yearly rent of one penny, if it be demanded, and two fifth parts of all ſuch mines and royal || as ſhall be found in and upon the ſaid one thouſand acres more § reſidue of the ſaid two thouſand acres of land, I will ſhall be ſettled or conveyed as aforeſaid, to ſome feoffees in truſt, and their heirs forever, for and towards the maintainance of a free grammar ſchool for the education of youth, in ſome convenient place within the ſaid county of New-Hampſhire, where my ſaid wife and brother-in-law ſhall think fit, they alſo paying and allowing unto my heirs forever, the yearly rent of one penny if it be demanded, and two fifth parts of all ſuch Mines Royall as ſhall be found in and upon this ſaid one thouſand acres of land or any part thereof, all the reſt and reſidue of all and ſingular my mannors, meſſuages, lands, tenements and hereditaments, with their and every their appurtenances, lying and being within ſaid county of New-Hampſhire or elſewhere in New-England aforeſaid, not before bequeathed by this my will, I give, deviſe and bequeath the ſame - - - - - unto my grand child John Tufton, and to the heirs of his body lawfully begotten, and for want of ſuch iſſue, to the ſaid Robert Tufton, or my grand child, and to the heirs of his body lawfully begotten, and for want of ſuch iſſue to my cozen Dr. Robert Maſon Chancellor of the Dioſceſs of Wincheſter, and to the heirs male of his body lawfully begotten, or to be begotten, and for want of ſuch iſſue, to my right heirs and aſſigns forever; provided always, and my will and meaning is, that my wife Ann Maſon ſhall have, hold and enjoy, the ſaid mannors, meſſuages, lands and premiſes, by me given unto my grand child John Tufton as aforeſaid, and receive the rents, iſſues and profits thereof, and of every part thereof,

† ſhould be *Premiſes*. ‡ *deviſe*. || Perhaps *Mines Royal*. § Perhaps *moreover the Reſidue*.

thereof, to her own profit, uſe and behoof, untill my ſaid grand child John Tufton ſhall attain to, and accompliſh his full age of one and twenty years, if the ſaid Ann my wife ſhall ſo long live, provided alſo, and my further will mind and meaning is, and do hereby deviſe and appoint that my ſaid grand child John Tufton ſhall alter his ſirname, and ſhall name himſelf Maſon, before he ſhall be capable to enjoy the ſaid mannors, land, and premiſes, or any part thereof, according to my bequeſt."

[N. B. Captain Maſon's Will was dated November 26, 1635, and the copy from which the above Extracts were made, contains the whole of it, and a Certificate that it was proved by the oath of Ann Maſon, on the 22d December, 1635, but I have tranſcribed only the above, the remainder not being to my purpoſe.]

DE COMMISSIONE SPECIALI JOHANNI HARVEY, *Militi*, *pro meliori Regimine Coloniæ* VIRGINIÆ

[Rymer, Vol. XX. P. 3. A. D. 1636.]

CHARLES, by the Grace of God, &c. To our truſty and welbeloved Sir John Harvey, Knight, and to ſuch other perſon and perſons as are or ſhall by our inſtructions under our ſign manual be named and appointed to the office and place of Governor and Counſellors of and for our Colony and Plantation in Virginia for the time being, Greeting: Whereas Wee, by our Letters Patents under our Great Seal of England, bearing date the ſix-and-twentieth day of March, in the third year of our Reign, reciting as therein is recited, for the better maintenance and government of the Colony and Plantation in Virginia, did nominate and aſſign you the ſaid Sir John Harvey, Knight, by the name of John Harvey, then Eſquire, to be the then preſent Governor, and divers perſons in the ſame Commiſſion named to be the then preſent Council of and for the ſaid Colony and Plantation in Virginia, granting unto you and them, and the greater number of you and them reſpectively, full power and authority to perform and execute the places, powers, and authorities, incident to a Governor and Council of Virginia reſpectively, as by the ſame our Letters Patents of Commiſſion more at large may appear; which ſaid Commiſſion, and all places, powers, and authorities, matters and things whatſoever thereby granted or mentioned to be granted, Wee do to all intents and purpoſes fully and abſolutely revoke, determine, and make void by theſe preſents: Nevertheleſs, Wee being willing togive all good encouragement to that Plantation, and minding that our Colonies and People there ſhould be regulated as well in the Eccleſiaſtical as Temporal Government, according to the laws and ſtatutes of our Realm of England, which

Wee

we purpoſe to have eſtabliſhed there, and being reſolved not to impeach or hinder, but to promote and advance the particular intereſts of ſuch of the planters there, as ſhall conform themſelves as loyal ſubjects in all due obedience to our Government, and to diſcourage ſuch as ſhall be found diſturbers of the peace and impugners of the government of the ſaid Colonies: Know yee therefore that Wee, for the effecting of the premiſſes, and the better ordering, governing, and managing of the affairs of the ſaid Colony and Plantation in Virginia, and of the perſons now inhabiting, or which ſhall hereafter inhabit there, until wee ſhall find ſome more convenient means, upon mature advice, to give more ample directions for the ſame, and repoſing aſſured truſt and confidence in the underſtanding, care, fidelity, experience and circumſpection of you the ſaid Sir John Harvey, have nominated and aſſigned, and by theſe preſents do nominate and aſſign you the ſaid Sir John Harvey, to be the preſent governor, and you the ſaid Sir John Harvey, and ſuch other perſons as Wee, in and by our ſaid inſtructions have named and aſſigned, or ſhall hereafter name and aſſign, to be the preſent Council of and for the ſaid Colony and Plantation in Virginia: Giving, and by theſe preſents granting unto you and them, and the greater number of you and them reſpectively, full power and authority to perform and execute the places, powers, and authorities incident to a Governor and Council of Virginia reſpectively; and to direct and govern, correct and puniſh our ſubjects now inhabiting or being, or which hereafter ſhall inhabit or be in Virginia, or in the iſles, ports, harbours, creeks or territories thereof, either in time of peace or war, and to order and direct the affairs touching or concerning that Colony or plantation in thoſe foreign parts only, and to execute and perform all and every other matters and things concerning that plantation, as fully and amply as any Governor and Council reſident there, at any time within the ſpace of ten years now laſt paſt, had or might perform or execute. And becauſe by the diſcovery of induſtrious and well experienced men, the limits and bounds of the ſaid Plantatton may be augmented, and the trade and commerce for the maintenance of the inhabitants there from time to time reſiding much advanced, Our Will and Pleaſure is, and Wee do by theſe preſents give and grant unto you the ſaid Sir John Harvey, and other the perſons by Us ſo nominated and aſſigned, or hereafter to be named and aſſigned of Council there as aforeſaid, or to any four or more of you and them, whereof the Governor for the time being to be always one, full power and authority to grant one or more Commiſſion or Commiſſions, unto any of our ſubjects thereunto addreſſing themſelves for the diſcovery of the ſame country and ports, bounds, limits, and extents thereof; and alſo for the finding out what trades ſhall be moſt neceſſary to be undertaken for the benefit and advantage of the ſaid Colony and Plantation, and the good of the people inhabiting, or which ſhall inhabit there both by ſea and land; and further, upon all occaſions, as you and they, or any four or more of you or them, whereof the Governor for the time being to bee always one, ſhall think fit, to ſend

out forces for the ſubdueing of the *Indians* and Savages of the ſaid country, and likewiſe to make War and Peace with them in all ſuch caſes as may ſtand with the ſafety of the ſaid Colony and our Honour, keeping always ſufficient forces for the hold of the places there now enjoyed; and if it ſhall happen you the ſaid Sir John Harvey to die, or in caſe your urgent occaſions, allowed by four or more of our ſaid Council there, ſhall call you thence at any time, then our Pleaſure is, and Wee do hereby give and grant unto the ſaid perſons by Us ſo named, or to be named of our Council there for the time being, or the greater number of them, full power and authority upon the death or in the abſence of you the ſaid Sir John Harvey, to elect, nominate, and aſſign one of our ſaid Council, to be the preſent Governor for the ſaid Colony and Plantation in Virginia, and ſo to do from time to time as often as the caſe ſhall ſo require; and Wee do by theſe preſents, nominate and aſſign ſuch perſon as by our ſaid Council or the greater number of them, from time to time ſhall be elected and choſen to be the preſent Governor, and the ſaid Governor, and the reſt of our ſaid Commiſſioners by our ſaid inſtructions named or to be named as aforeſaid, to be our preſent Council for the ſaid Colony and Plantation for Virginia; giving, and by theſe preſents granting unto you and them, and the greater number of you and them reſpectively, full power and authority, to execute and perform the places, powers and authorities of a Governor and Council for Virginia reſpectively, in manner and form aforeſaid; nevertheleſs, our will and pleaſure is, that you and they, and every of you and them from time to time proceed, as well according to ſuch inſtructions as are in theſe preſents expreſſed, as alſo according to ſuch inſtructions as you or they do now, or ſhall hereafter receive from us, or the Lords and others of our Privy Council here; and that you and they our ſaid Governor and Council there for the time being, ſhall be from time to time ſubordinate, ſubject and obedient to the Lords Commiſſioners and Committees here for our Plantations for the time being, touching the preſent Government of that Plantation, according to ſuch orders and directions, as they from time to time ſhall conceive and ſet down: Provided always, and our expreſs will, pleaſure, and commandment is, and We do hereby give full power and authority unto you the ſaid Sir John Harvey, and ſuch other perſon as ſhall be Governor there for the time being, according to the true meaning of theſe preſents, and our intention and meaning herein before declared, that upon the death or diſcontinuance of any of our Council there, you the ſaid Sir John Harvey and ſuch other perſon as ſhall be Governor there for the time being, ſhall give notice to us or our ſaid Commiſſioners or Committees here for our Plantations, of ſuch death or diſcontinuance of any of our ſaid Council there, to the end that ſome other ſufficient, able and diſcreet perſon or perſons, may by Us or them be aſſigned and appointed, in the room and place of him or them ſo dying or diſcontinuing, during the continuance of this our preſent Commiſſion. And our further will and pleaſure is, and We do hereby give full power and authority unto you the ſaid Sir John Harvey

and

and do alſo require and command, that you the ſaid Sir John Harvey, and Richard Kemp, who have already been of the Council in thoſe parts, for the Plantation there, and have already taken your oaths, ſhall miniſter unto the perſons by Us named, or to be named, to be of our Council there as aforeſaid, and every of them, the like oath upon the holy Evangeliſts, as you or either of you have already taken as Councellors of and for the ſaid Colony or Plantation, willing and requiring you and them, to be diligent and attendant in the execution of this our ſervice and commandment, and alſo requiring all other our loving ſubjects there, to be directed and governed by you and them, or the greater number of you and them, in all things according to the intention and true meaning of theſe preſents. And laſtly, our will and pleaſure is, that this our Commiſſion ſhall continue in force, until ſuch time as Wee, by ſome other writing under our Signet, Privy Seal or Great Seal of England, ſhall ſignify our Pleaſure to the contrary. In witneſs whereof, &c,

Witneſs our ſelf at Weſtminſter, the ſecond Day of April.

PER IPSUM REGEM.

ORIGINAL.

London 10 *April* 1636.

Loving Friend Gibbens,

WEE put into Ireland going home, and there was taken ſike, and lefte behind and Laye ſo longe before I got well, that it was the latter ende of December laſte before I got to London, and Mr. Maſon was ded, but I ſpoke with Sir Fardenando Gorges and the other owners, but they gave mee no incoradgment for New-England, I acquainted them fully of what you and I diſcorſed, but theye were quite could in that matter. Mr. Maſon being ded, and Sir Fardenando minding only his one Divityon, he teles me he is a getinga pattente firſt from the Kinge from Piſcatequa to Sagadehocke, and that betwene Meremake and Piſcatequa, he left for Mr. Maſon, who if he had liued would a tooke a patent for that allſo, and ſo I ſuppoſe the affairs of Laconia is ded allſo: I intend to go for the Eſte-Indyes. A frend of mine have made mee a very good proffer, and I thinke to take up with it, which is what offers at preſent; thus with my kind love to you, and your wife and daughter,

I am, your louing Frend,

GEORGE VAUGHAN.

Directed

To Mr. Ambros Gibbens at Sander's Point at Piſcattaway River, in New-England.

A DECLARATION *of the warrantable Grounds and Proceedings of the firſt Aſſociates of the Government of* NEW-PLYMOUTH, *in their laying the firſt Foundations thereof: with their general Fundamentals. Printed at Boſton*, 1773.

WHEREAS John Carver, William Bradford, Edward Winſlow, William Brewſter, Iſaac Allerton and divers others, the ſubjects of our late Sovereign Lord James, by the grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c. Did, in the eighteenth year of his reign of England, France, and Ireland; and of Scotland the fifty four, (which was in the year of our Lord God 1620) undertake a voyage into that part of America called Virginia, or New England thereunto adjoining; there to erect a Plantation and Colony of Engliſh, intending the Glory of God, the Inlargement of his Majeſty's Dominions, and the ſpecial good of the Engliſh nation. And whereas, by the good providence of our gracious God, the ſaid John Carver, William Bradford, Edward Winſlow, William Brewſter, Iſaac Allerton, and their Aſſociates, arrived in New England aforeſaid, in the harbor of Cape Cod, or Paomet, ſcituate and being in New England aforeſaid; where all the ſaid perſons entered into a civil combination (being the eleventh of November, in the year aforementioned) as the ſubjects of our ſaid Sovereign Lord the King, to become a body politic, binding ourſelves to obſerve ſuch laws and ordinances, and to obey ſuch officers, as from time to time ſhould be made and choſen for our well-ordering and guidance. And thereupon, by the favor of the Almighty, began the firſt Colony in New England (there being then no other within the ſaid Continent) at a place called by the natives Apaum, alias Patuxet; but by the Engliſh, New-Plymouth. All which lands being void of inhabitants, we, that are before mentioned, and the reſt of our aſſociates, entering into a league of peace with Maſſaſoit, ſince called Wooſamequin, Prince, or Sachem of thoſe parts: He the ſaid Maſſaſoit freely gave them all the lands adjacent to them, and their heirs forever; acknowledging himſelf content to become the ſubject of our Sovereign Lord the King aforeſaid, his heirs and ſucceſſors; and taking protection of us the ſaid John Carver, William Bradford, Edward Winſlow, William Brewſter, Iſaac Allerton, and their aſſociates, the natural ſubjects of our Sovereign Lord the King aforeſaid: but having no ſpecial letters patents for the ſaid parts of New England; but only the general leave and liking of his Majeſty aforeſaid, for the free exerciſe of the liberty of our conſciences in the public worſhip and ſervice of God, wherever we ſhould ſettle. Being therefore now ſettled, and deſiring and requeſting

queſting ſpecial licence and commiſſion from his Majeſty, for the ordering our affairs under his gracious protection, had ſundry commiſſions made and confirmed by his ſaid Majeſty's Council for New England, to John Pierce and his aſſociates (whoſe name we only made uſe of, and whoſe aſſociates we were) in the late happy and memorable reign of our ſaid Sovereign Lord King James: But finding ourſelves ſtill ſtraitened, and a willingneſs in the honourable Council aforeſaid, to inlarge us; partly in regard of the many difficulties we had undergone, and partly in regard of the good ſervice done, as well in relieving his Majeſty's ſubjects as otherways: We procured a further inlargement, under the name of William Bradford aforeſaid, and his aſſociates; whoſe names we likewiſe uſed (and whoſe aſſociates as formerly we ſtill are) by virtue of which letters patents, liberty is given unto us, derivatory from our Sovereign Lord King Charles, bearing date the thirteenth of January 1629, being the firſt year of his reign of England, Scotland, France, and Ireland; and ſigned by the right honorable Robert Earl of Warwick, in behalf of the reſt of his Majeſty's ſaid Council for New England, and ſealed with their common ſeal, allowed to frame and make orders, ordinances, and conſtitutions, for the ordering, diſpoſing, and governing of our perſons, and diſtributing the lands, within the ſaid limits; to be holden of his Majeſty, his heirs, and ſucceſſors, as of his manor of Eaſt-Greenwich, in the county of Kent, in free and common ſoccage, and not in capite, nor by knight's ſervice, viz. All that part of New-England in America, and tract and tracts of lands that lie within or between a certain rivulet or runlet there, commonly called Coahaſſet alias Conahaſſet, towards the north, and the river commonly called Narrhaganſet river, towards the ſouth; and the great weſtern ocean towards the eaſt, and between and within a ſtraight line directly extending up into the main land towards the weſt, from the mouth of the ſaid river, called Narrhaganſett river to the outmoſt limits and bounds of a country or place in New England, commonly called Pokenacut, alias Puckenakick, alias Sawaamſet weſtward; and another ſtraight line extending itſelf directly from the mouth of the ſaid river called Coahaſſet, alias Conahaſſet, towards the weſt, ſo far up into the main land weſtward as the outmoſt limits of the ſaid place or country commonly called Pokenacut, alias Puckenakick, alias Sawaamſet do extend; together with one half of the ſaid river called Narrhaganſet, and the ſaid rivulet or runlet called Coahaſſet, alias Conahaſſet, and all lands, rivers, waters, havens, creeks, ports, fiſhings, fowlings, and all hereditameuts, profits, commodities, and emoluments whatſoever, ſcituate, lying and being, or ariſing within and between the ſaid limits, or bounds, or any of them.

Furthermore, all that tract of land, or part of New England, or part of America aforeſaid, which lieth within or between, and extendeth itſelf from the outmoſt limits of Cobbiſecontee, alias Comaſeconte, which adjoineth to the river of Kennebeck, alias Kennebekike towards the weſtern ocean, and a place called the Falls at

Nequamkik

Nequamkike in America aforeſaid, and the ſpace of fifteen Engliſh miles on each ſide the ſaid river commonly called Kennebeck river: And all the ſaid river called Kennebeck, that lieth within the ſaid limits and bounds eaſtward, weſtward, northward, or ſouthward laſt above mentioned; and all lands, grounds, ſoils, rivers, waters, fiſhings, hereditaments and profits whatſoever, ſcituate, lying and being, ariſing, happening or accruing, or which ſhall ariſe happen or accrue in or within the ſaid limits or bounds, or either of them; together with free ingreſs, egreſs, and regreſs with ſhips, boats, ſhallops, and other veſſels from the ſea, commonly called the weſtern ocean, to the ſaid river called Kenebeck, and from the ſaid river to the ſaid weſtern ocean, together with all Prerogatives, Rights, Royalties, Juriſdictions, Privileges, Franchiſes, Liberties and Immunities: And alſo marine liberty with the eſcheats and caſualties thereof (the admiralty Juriſdiction excepted) with all the Intereſt, right, title, claim and demands whatſoever, which the ſaid Council and their ſucceſſors now have or ought to have, or may have and acquire hereafter, in or to any of the ſaid portion or tract of lands hereby mentioned to be granted, or any the premiſes, in as free, large, ample, and beneficial manner, to all intents, conſtructions and purpoſes whatſoever, as the ſaid Council by virtue of his Majeſty's ſaid letters patents, may or can grant. To have and to hold the ſaid tract and tracts of land, and all and ſingular the premiſes above mentioned, to be granted with their and every of their appurtenances to the ſaid William Bradford, his heirs, aſſociates, and aſſigns, for ever; to the only proper and abſolute uſe and behoof of the ſaid William Bradford, his heirs, and aſſociates, and aſſigns, for ever: Yielding and paying unto our ſaid Sovereign Lord the King, his heirs and ſucceſſors, for ever, one fifth part of the oar of the mines of gold and ſilver; and one other fifth part thereof to the Preſident and Council, which ſhall be had, poſſeſſed, and obtained within the precincts aforeſaid, for all ſervices and demands whatſoever; allowing the ſaid William Bradford, his aſſociates, and aſſignees, and every of them, his and their factors, agents, tenants, and ſervants, and all ſuch as he or they ſhall ſend and imploy about his ſaid particular plantation; ſhall and may from time to time, freely and lawfully go and return, trade and traffick, as well with the Engliſh as any of the natives within the precincts aforeſaid; with liberty of fiſhing upon any part of the ſea-coaſt, and ſea-ſhores of any of the ſeas or iſlands adjacent, and not being inhabited, or otherwiſe diſpoſed of by order of the ſaid Preſident and Council, forbidding all others to traffick with the natives, or inhabit any the ſaid limits, without the ſpecial leave of the ſaid William Bradford, his heirs, or aſſociates; and allowing the ſaid William Bradford, his heirs, and aſſociates, to take, apprehend, ſeize and make price of all ſuch perſons, their ſhips and goods as ſhall attempt to inhabit or trade with the ſalvage people, as aforeſaid, &c.

Moreover,

Moreover, whereas in the firſt beginning of this Colony, divers merchants and others of the city of London, and elſewhere, adventured divers ſums of money with the aforeſaid John Carver, William Bradford, Edward Winſlow, William Brewſter, Iſaac Allerton, and the reſt of their aſſociates, on certain terms of partnerſhip, to continue for the term of ſeven years. The ſaid term being expired, the Plantation, by reaſon of the manifold loſſes and croſſes, by ſea and land, in the beginning of ſo great a work, being largely indebted, and no means to pay the ſaid debts but by the ſale of the whole; and the ſame being put to ſale, We the ſaid William Bradford, Edward Winſlow, William Brewſter, Iſaac Allerton, and other our aſſociates, the inhabitants of New-Plymouth, and elſewhere, being loth to be deprived of our labours, bought the ſame, for, and in conſideration of eighteen hundred pouuds ſterling, with all, and ſingular the privileges, lands, goods, buildings, chattels, ordinance, munition, or whatſoever appertained to the ſaid Plantation or to the adventurers thereunto belonging; as appeareth by a deed between the ſaid Iſaac Allerton, then agent for the ſaid William Bradford, and his aſſociates, on the one part, and John Pocock, Robert Keyn, Edward Baſſe, James Sherly, and John Beauchamp, on the other part; being thereunto deputed by the ſaid merchants, and the reſt adventuring as aforeſaid; as appeareth by a deed, bearing date November 6th, in the third year of the reign of our Sovereign Lord Charles, by the grace of God, King of England, Scotland, France, and Ireland, &c. Anno Dom. 1627. Be it known therefore unto all men, by theſe preſents, that according to our firſt intents, for the better effecting the glory of God, the enlargement of the dominions of our ſaid Sovereign Lord the King, and the ſpecial good of his ſubjects; by virtue as well of our combination aforeſaid, as alſo the ſeveral grants by us procured in the names of John Pierce and William Bradford, their heirs, and aſſociates; together with our lawful right, in reſpect of vacancy, donation, or purchaſe of the natives, and our full purchaſe of the adventurers before expreſſed; have given unto, allotted, aſſigned, and granted to all and every perſon or perſons, whoſe name or names ſhall follow upon this public record, ſuch proportion or proportions of grounds, with all and ſingular the privileges thereto belonging, as aforeſaid, to him or them, his or their heirs and aſſigns ſucceſſively for ever; to be holden of his Majeſty of England, his heirs and ſucceſſors, as of his mannor of Eaſt-Greenwich, in the county of Kent; in free and common ſoccage, and not in capite, nor by knight's ſervice; yielding and paying to our ſaid Sovereign Lord the King, his heirs and ſucceſſors for ever, one fifth part of the oar of the mines of gold and ſilver; and one other fifth part to the Preſident and Council, which ſhall be had, poſſeſſed and obtained, as aforeſaid. And whatſoever lands are or ſhall be granted to any by the ſaid William Bradford, Edward Winſlow, William Brewſter, Iſaac Allerton, their heirs or aſſociates as aforeſaid; being acknowledged in public court, and brought to the public records of

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the ſeveral inheritances of the ſubjects of our Sovereign Lord the King, within this government; it ſhall be lawful for the governor of New-Plymouth aforeſaid, from time to time ſucceſſively, to give under the common ſeal of the government a copy of the ſaid grant ſo recorded; confirming the ſaid lands to him or them, his or their heirs and aſſigns for ever; with the ſeveral bounds and limits of the ſame, which ſhall be ſufficient evidence in law from time to time, and at all times, for the ſaid party or parties, his or their heirs or aſſigns; to have and to hold the ſaid portion of land ſo granted, bounded and recorded as aforeſaid; with all and ſingular the appurtenances thereto belonging, to the only proper uſe and behoof of the ſaid party or parties, his or their heirs and aſſigns for ever.

The GENERAL FUNDAMENTALS, *publiſhed Anno Domini* 1636.

1. WEE the aſſociates of the Colony of New-Plymouth, coming hither as free born ſubjects of the kingdom of England, endowed with all and ſingular the privileges belonging to ſuch: Being aſſembled,

Do enact, ordain and conſtitute; that no act, impoſition, law or ordinance be made or impoſed upon us at preſent, or to come, but ſuch as ſhall be enacted by conſent of the body of freemen or aſſociates, or their repreſentatives legally aſſembled; which is according to the free liberties of the free born people of England.

2. And for the well governing this Colony: It is alſo reſolved and ordered, that there be a free election annually of Governor, Deputy Governor and aſſiſtance, by the vote of the freemen of this corporation.

3. It is alſo enacted, that juſtice and right be equally and impartially adminiſtered unto all, not ſold, denied or cauſeleſly deferred unto any.

4. It is alſo enacted, that no perſon in this government ſhall ſuffer or be indamaged, in reſpect of life, limb, liberty, good name or eſtate, under color of law, or countenance of authority, but by virtue or equity of ſome expreſs law of the general court of this Colony, or the good and equitable laws of our Nation, ſuitable for us, in matters which are of a civil nature (as by the court here hath been accuſtomed) wherein we have no particular law of our own. And that none ſhall ſuffer as aforeſaid, without being brought to anſwer by due courſe and proceſs of Law.

5. And that all caſes, whether capital, criminal, or between man and man, be tried by a jury of twelve good and lawful men, according to the commendable cuſtom of England, except where ſome expreſs law doth refer it to the judgment of ſome other judge or inferior court where jury is not; in which caſe alſo any party aggrieved, may appeal and have trial by a jury.

And it ſhall be in the liberty of any perſon, that is to be tried by a jury to challenge any of the jurors, and if the challenge be found juſt and reaſonable by the bench, it ſhall be allowed; and others without juſt exception ſhall be impannelled in their room: And if it be in caſe of life and death, the priſoner ſhall have liberty (according to the law of England) to except againſt twenty of the jury without giving any reaſon for the ſame.

6. That no perſon ſhall be caſt, condemned or ſentenced in any caſe capital, civil or criminal without the teſtimony of two ſufficient witneſſes, or other ſufficient evidence, or circumſtances equivalent thereunto, unleſs in any particular caſe the law hath otherwiſe provided.

7. And it is enacted; being the privilege of our charter; that all perſons of the age of 21 years, of right underſtanding and memory, whether excommunicated, condemned or other, having any eſtate properly theirs to diſpoſe of, ſhall have full power and liberty to make their reaſonable wills and teſtaments, and other lawful alienations of their lands and eſtates; be it only here excepted, That ſuch as are ſentenced for treaſon againſt the King's Majeſty, or realm of England, or other capital crimes, ſhall forfeit to the King or Colony, for the carrying on the charge of government, their perſonal eſtate: Their lands and real eſtate bing ſtill at their diſpoſal.

8. That whereas the great and known end of the firſt *comers* in the year of our Lord 1620, leaving their native country, and all that was dear to them there; tranſporting of themſelves over the vaſt ocean, into this remote waſt wilderneſs, and therein willingly conflicting with dangers, loſſes, hardſhips and diſtreſſes, ſore, and not a few, was, that without offence, they, under the protection of their native Prince, together with the enlargement of his Majeſty's dominion, might, with the liberty of a good conſcience enjoy the pure ſcriptural worſhip of God, without the mixture of humane inventions and impoſitions; and that their children after them might walk in the holy ways of the Lord: And for which end they obtained leave from King James (of happy memory) and his honorable Council; with farther grants from his gracious Majeſty Charles I. and his honourable Council, by letters pattents for ſundry tracts of land, with many privileges therein contained for their better encoragement to proceed on in ſo pious a work, which may eſpecially tend to the propagation of religion, &c. as by letters patents more at large appeareth; with further aſſurance alſo of the continuance of our liberties and privileges, both civil and religious, under the royal hand and ſeal of our Sovereign Lord King Charles II. And whereas by the good hand of our God upon us, many others ſince the firſt comers, are for the ſame end come unto us, and ſundry others riſe up amongſt us, deſirous with all good conſcience to walk in the faith and order of the goſpel, whereby there are many churches gathered amongſt us, walking according thereunto: And whereas (by the Grace of God) we have now had above 60 years expe-

rience of the good conſiſtency of theſe churches, with loyalty to our Prince, civil peace and order, and alſo with ſpiritual edification, together with the welfare and tranquility of the government.

It is therefore for the honour of God and the propagation of religion, and the continued welfare of this colony, ordered by this court and the authority thereof, that the ſaid churches already gathered, or that ſhall be orderly gathered, may and ſhall from time to time by this government be protected and incoraged in their peaceable and orderly walking, and the faithful, able, orthodox-teaching miniſtry thereof, duly incoraged and provided for; together with ſuch other orthodox able diſpenſers of the goſpel, which ſhall or may be placed in any townſhip in this government, where there is or may be defect of church order.

9. And finally, it is ordered and declared by this court, and the authority thereof, that all theſe foregoing orders and conſtitutions are ſo fundamentally eſſential to the juſt rights, liberties, common goods, and ſpecial end of this Colony, as that they ſhall and ought to be inviolably preſerved.

APPOINTMENT *of a Committee to reviſe the Laws of* PLYMOUTH COLONY.

[New-Plymouth Records.]

WYNSLOW GOVERNOR.

AT a general Court held the fourth and fifth of October, 1636; the ordnances of the Colony and Corporation being read, divers were found worthy the reforming, others the rejecting, and others fitt to be inſtituted and made: It was therefore ordered and agreed, that fowr for the towne of Plymouth, two for Scituate, and two for Duxburrow, ſhould as Committees for the whole be added to the Governor and aſſiſtants, to rectifie and prepare ſuch as ſhould be thought moſt convenient, that if approved they may be put in force the next general Court. The parties menconed for the towne of Plymouth, Mr. Will Brewſter, Mr. Raph Smith, John Done, and John Jenney: For Duxburrow, Mr. Jonath. Brewſter, and Chriſtopher Wadſworth: For Scituate, Anthony Annable, and James Cudworth, all which to repaire to the Governor and Aſſiſtants at Plymouth aforeſaid, the 15th of November next enſuing, and there continue their appearance till ſuch time as the premiſſes be determined.

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NEW-PLYMOUTH, *November* 15. 1636.

[Plymouth Records.]

WHEREAS at his Majeſties Court held the of October in the 12th year of the raigne of our Lord Charles, by the grace of God Kinge of Scotland, France and Ireland, Defender of the faith ordered that Mr. William Brewſter, Mr. Smith, Mr. John Done, and John Jenny for the of Plymouth, Jonathan Brewſter, and Chriſtopher Wadſworth for Duxburrow; and James Cud, and Anthony Annable for Scituate, ſhould be to the Governor and Aſſiſtants as Committees for the whole body of this common weale, ſhould meet together the 15th of November at Plymouth abovementioned, and there peruſe all the Laws, Orders, and Conſtitucons of the Plantations within the Government, that ſo thoſe that are ſtill fitting be eſtabliſhed, thoſe that time hath made neceſſary might be rejected, and others th wanting might be prepared, that ſo the Court they might be eſtabliſhed.

Now being aſſembled according to the ſaid and having read the combination made at Cod the 11 of November, 1620, in the year of raigne of our late Sovereign Lord, King James of England Irel, the eighteenth, and of Scotland the fifty as alſo our Letters Patents confirmed by honorable Councill his ſaid Majeſty eſtabliſhed and the 13th of January 1629, in the fifte yeare of the raigne of our Sovereign Lord King Charles, and finding that as freeborne ſubjects of the ſtate of England, we hither came indewed and ſingular the priviledges belonging to ſuch, in firſt place we think good that it be eſtabli for an act according to the and due priviledge of the ſubjects aforeſaid inpoſition, law or ordinance be made or inpoſed upon preſent or to come, but ſuch as ſhall be made inpoſed by conſent, according to the free liberties ſtate and kingdome of England, and no otherwiſe.

That whereas before expreſſed we finde a ſolemne and binding combination, as alſo Letters Patents, derivatory from his Majeſty of England, our dread Sovereign, for the ordering of a body politick, within the ſeverall limits of this Patent, viz. from Cowahaſſett to the vtmoſt of Puckanokick ward and all that of land ſouthward erne ocean gular lands havens waters eeks, ports, fiſhings owlings, &c. By virtue whereof we ordaine, inſtitute and appoint, the firſt Tueſday in March, every yeare, for the eleccon of ſuch officers as ſhall be thought meet, for the guiding and government of this corporacon.

That at the day and time appointed, a Governor and ſeaven Aſſiſtants be choſen to rule and govern the ſaid Plantacons within the ſaid limits for one whole yeare and no more. And this eleccon to be made onely by the free men, according to the former cuſtome; and that then alſo Conſtables for each part, and other inferior officers be alſo choſen.

That in every eleccon ſome one of the Aſſiſtants, or ſome other ſufficient perſon be choſen Treaſurer for the yeare preſent, whoſe place it ſhall be to demand and receive in whatſoever ſum or ſums ſhall appertaine to the royalty of the place, either coming in by way of fine, amerciament or otherwiſe; and ſhall improve the ſame for the publick benefitt of this corporacon, by order of the Governor; as alſo to give a juſt account thereof to the enſuing Treaſurer, and to the Governor whenever he ſhall demand it, in caſe refuſed to pay five pounds.

That a Clarke of the Court alſo be choſen for the yeare.

That alſo one be choſen to the office of Coroner, to be executed as neere as may be to the laws and practiſe of the kingdome of England, and to continue one yeare.

The Office of the Governor.

The office of the Governor for the time being conſiſteth in the execution of ſuch laws and ordinances as are or ſhall be made and eſtabliſhed for the good of this Corporacon, according to the ſeverall bownds and limitts thereof, viz. in calling together, or adviſing with the Aſſiſtants or Councell of the ſaid Corporation, vpon ſuch materiall occaſions (or ſo ſeeming to him) as time ſhall bring forth. In which Aſſembly, and all other, the Governor to propound the occaſion of the Aſſembly, and have a double voice therein. If the Aſſiſtants judge the caſe too great to be decided by them, and refer it to the General Court, then the Governor to ſumon a Court by warning all the freemen aforeſaid, that are then extant, and there alſo to propound cawſes and goe before the Aſſiſtants in the examination of particulars, and to propownd ſuch ſentence as ſhall be determined. Further it ſhall be lawful for him to arreſt and comit to ward any offenders; provided that, with all convenient ſpeed, he ſhall bring the cawſe to hearing, either of the Aſſiſtants or General Court, according to the nature of the offence: Alſo it ſhall be lawfull for him to examine any ſuſpicious perſons for evil againſt the Colony, as alſo to intercept or open ſuch letters as he conceiveth may tend to the overthrow of the ſame. And that this office continue one whole yeare, and no more, without renewing by eleccon.

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The Office of an Aſſiſtant.

The office of an Aſſiſtant for the time being, conſiſteth in appearing at the Governors ſumons, and in giving his beſt adviſe, both in public Court and private Councell, with the Governor, for the good of the Colonyes, within the limitts of this Government: Not to diſcloſe but keep ſecret ſuch things as concerne the publick good, and ſhall be thought meet to be concealed by the Governor and Councell of Aſſiſtants. In naving a ſpeciall hand in the examination of publick offenders, and in contriving the affairs of the Colony. To have a voice in the cenſuring of ſuch offenders as ſhall not be brought to publick Court. That if the Governor have occaſion to be abſent from the Colony for a ſhort time, by the Governor with the conſent of the reſt of the Aſſiſtants, he may be deputed to governe in the abſence of the Governor. Alſo it ſhall be lawfull for him to examine and comit to ward, where any occaſion ariſeth, where the Governor is abſent; provided the perſon be brought to further hearing with all convenient ſpeede, before the Governor or the reſt of the Aſſiſtants. Alſo it ſhall be lawfull for him, in his Majeſties name, to direct his warrant, to any Conſtable within the Government, who ought faithfully to execute the ſame, according to the nature and tenure thereof; and may binde over perſons for matters of crime, to anſwere att the next enſuing Court of his Majeſty after the fact committed, or the perſon apprehended.

That the annuall eleccon of officers before expreſſed, be at a general Court held in his Majeſties name of England. And that the Governor in due ſeaſon, by warrant directed to the ſeverall conſtables in his Majeſties name aforeſaid, give warning to the freemen, to make their appearance. And that all other our courts, warrants, ſummons, or comands by way of juſtice, be all done, directed and made in the name of his Majeſty of England aforeſaid, our dread Sovereigne.

And for default in caſe of appearance at the eleccon before menconed, without due excuſe each delinquent to be amerced in 3*ſ*.

That if at any time, any ſhall be elected to the office of Governor, and will not hold according to the eleccon, that then he be amerced in 20lb. ſtarling fine.

That if any elected to the office of aſſiſtant, refuſe to hold according to eleccon, that then he be amerced in ten pounds ſtarling fine.

That in caſe one and the ſame perſon ſhould be elected Governor a ſecond yeare, having held the place the foregoing yeare, it ſhould be lawfull for him to refuſe without any amercement, unles they can prevaile by entreaty.

That the Government, viz. The Courts be held at Plymouth, and that the Governor hold his dwelling there this preſent yeare.

That a great queſt be pannelled by the Governor, and warned to ſerve the King

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by enquiring into the abuſes and breaches of ſuch wholſome lawes and ordinances as tend to the preſervacon of the peace and good of the ſubject; and that they preſent ſuch to the Court, as they either finde guilty or probably ſuſpect, that ſuch may be proſecuted by the Governor by all due meanes.

That in every Conſtablerick, there be a paire of ſtocks erected, alſo a cage which ſhall be of competent ſtrength to detaine a priſoner, and theſe erected in ſuch place as ſhall be thought meet by the ſeveral neighbourhoods where they concerne.

That the Conſtable ſee the highwaies for man and beaſt bee made and kept in convenient repaire; and therefore be alſo appointed ſurveighor for the liberty he is choſen.

That two ſurveighors in each conſtablerick be choſen evey yeare, to ſee that the highwaies be mended competently. And if it fall out that a way be wanting, upon due complaint that then the Governor pannell a jewry, and upon oath charge them to lay out ſuch way as in conſcience they find moſt beneficiall for the comon weale, and as little prejudice as may be to the particulars,

That it be lawful for the Governor as well to pannell ſuch the Kinges ſubjects of good report, that are freeholders, and no freemen upon jewry, to doe ſervice to his Majeſty, as well as ſuch as have taken up theire freedome if thought convenient.

That the lawes and ordinances of the Colony, and for the Government of the ſame, be made onely by the freemen of the corporacon, and no other; provided that in ſuch rates and taxacons as are or ſhall be laid vpon the whole, they be without partiallity, ſo as the freeman be not ſpared for his freedome, but the levy be equall. And in caſe any man finde himſelfe aggrieved, that his complaint may be heard and redreſſed if due cauſe.

That an oath of allegiance to the King, and fidelity to the Government and the ſeveral Colonies therein, be taken of every perſon that ſhall live within or under the ſame.

That all trialls whether capitall, or between man and man, be tried by jewries, according to the preſidents of the law of England, as near as may be.

That the Governor and two Aſſiſtants at the leſt, ſhall as occaſion ſhall be offered in time convenient, determine in ſuch trivial caſes, viz. under forty ſhillings between man and man, as ſhall come before them, as alſo in offences of ſmall nature ſhall determine, doe, and execute as in wiſdome God ſhall direct them.

Capitall Offences lyable to Death.

Treaſon or rebellion againſt the perſon of the Kinge, ſtate, or Comonwealth, either of England or theſe Colonies

Willfull murder.

Solemn

Solemn compaction or converſing with the divell by way of witchcraft, conjuracon or the like.

Willfull and purpoſed burning of ſhips, howſes.

Sodomy, rapes, buggery.

Adultery, fornicacon, and other uncleane carriages, to be puniſhed at the diſcretion of the majeſtrates, according to the nature thereof.

The ſtealing, or attempting to ſteale ſhips, boats, munition, or otherwiſe of that nature, to be puniſhed according to the determinacon of the majeſtrates.

That all ſales, exchanges, gifts, morgages, leaſes, or other convayance of houſes and lands, the ſale to be acknowledged before the Governor, and comitted to publick record.

That every mans marke of his cattle be brought to the towne booke where he lives, and that no man give the ſame, but ſhall alter any other bought by him, and put his own upon them.

Inheritance to deſcend according to the comendable cuſtome of England, and hold of Eſt Greenwich.

If the huſband die, the wife to have a third part of his lands during life; and if he die without will, to have alſo a 3d of his goods, but by will may wholly be diſpoſed of by the huſband as he pleaſe.

One common ſtandard to be uſed by all for weight and meaſure; and that according to Wincheſter, which is the ſtandard of England.

No warre nor league of peace to be made by any particular perſon or perſons, but ſuch as ſhall be agreed and determined in and by a general Court, except in ſuch caſe of emenent danger as a Court cannot be called or ſumoned.

That in caſe neceſſity require to ſend forces abroade, and there be not volunteers ſufficient offered for the ſervice, then it be lawfull to preſſe in his Majeſties name.

That concerning miſdemeanours, as any ſhall be convicted in Court of any particular to be cenſured by the bench, according to the nature of the offence, as God ſhall direct them.

That none be allowed to marry, that are under the covert of parents, but by their conſent and approbacon; but in caſe conſent cannot be had, then it ſhall be with the conſent of the Governor, or ſome aſſiſtant, to whom the perſons are knowne, whoſe care it ſhall be to ſee the marriage be fitt before it be allowed by him; and after approbacon be three ſeveral times publiſhed before the ſolemniſing of it.

That all ſuch as depart any of his Majeſties Courts, before they be diſmiſſed without due leave be amerced in three ſhillings.

That no man make ſale or ſell out of the Colony of any kind of boards, plank, or timber, that hath been growing in any the ſwampes that are reſerved for publick uſe without leave, but ſhall onely ſo doe of ſuch as ariſe out of his owne proper ground.

That

That every perſon for himſelfe ſhall according to Jan. 2d 1632, have peece, powder, and ſhot, viz. a ſufficient muſket, or other ſerviceable peece for war, with bandeleroes, ſword and other appurtenances for himſelf and each man ſervant he keepeth able to beare armes. And that for himſelf and each ſuch perſon under him, he be at all times furniſhed with two pounds of powder, and ten pounds of bullets, and for every default to forfeit ten ſhillings.

That no Sheepe be ſould out of the Colonys if competent price will be heere given for them.

It is further enacted, that whereas formerly a ſmall moyety of land was allotted to each family for their convenient ſubſiſtence in the towne of Plymouth, viz. to each perſon an acre, and that now the ſaid acres lie void, the ancient inhabitants being for the moſt part removed from thence, inſomuch that as formerly they were the meanes of ſubſiſting in towne, now the propriety of perſons in them elſewhere ſeated hinder others from coming into the towne; by which means the ſaid towne is like to be diſpeopled. It was therefore agreed upon by the mutuall conſent of the people (two perſons onely excepted) that all and every ſuch perſon and perſons ſhould and did ſurrender and caſt up their right in the ſaid acres, that they may be diſpoſed of to ſuch as doe or ſhall inhabite the ſaid towne of New-Plymouth, as alſo other the waſt grownds about the ſaid towne, by ſuch an orderly and equall courſe as ſhall be thought meet by the Governor and Councell: And that the ſaid governor and his Aſſiſtants thinke of ſome equal courſe to ſatisfy ſuch as have purchaſed any, and the perſons not able to make ſatisfaccon.

That whereas God by his Providence hath caſt the fiſh called ale-wives or herrings in the middeſt of the towne of New-Plymouth, and that the grownd thereabout hath been worne out by the whole to the damage of thoſe that inhabite the ſame, it is therefore enacted, that the ſaid herrings, ale-wives or ſhadds comonly uſed in the ſetting of corne, be appropriated to ſuch as doe or ſhall inhabite the towne of Plymouth aforeſaid; and that no other have any right or propriety in the ſame, ſave only for bait for fiſhing, and that by ſuch an orderly courſe as ſhall be thought meet by the Governor and Aſſiſtants.

That the wills and teſtaments of ſuch as die be proved orderly before the Governor and Aſſiſtants within one moneth after the deceaſe of the teſtator; and that a full inventory, duly valued, be preſented with the ſame, before letters of adminiſtracon be granted to any of all the goods and chattells of the ſaid perſons; alſo if in caſe any man die without will, his goods be by his wife, or other neereſt to him, inventoried and duly valued and preſented to the Governor and Aſſiſtants within one moneth after the deceaſe of the ſaid perſon ſo dying, and if it be a ſingle perſon without kindred here reſident, that then the Governor appoint ſome to take a juſt inventory of the ſame, and to preſent the ſame upon oath to be true and juſt as in other the caſes before menconed.

That

That in caſe it fall out that any die more indebted then their Eſtates of Goods and Chattells amount unto, if the perſon ſo deceaſed have bought any lands in his lifetime to the impayring of his eſtate otherwiſe, that the land ſo bought be ſold to make ſatisfaccon to the creditors. But whereas a porcon is diſpoſed of to each for the ſubſiſtance of him or herſelfe and family, that ſuch lands remaine to the ſurvivors, his or her heires, &c. no ſeizure being allowed the Creditors in that caſe.

That whatſoever damage comes to any by cows, goats, mares, ſheepe, or any of thoſe kindes by coming into their corne or gardens be made good by the owners of the ſaid cattle, as it ſhall be valued by two of the neighbours. And that it ſhall be lawfull upon ſuch treſpaſſe, to impound the cattle treſſpaſſing till due ſatisfaccon be made.

That no man keepe more ſwine than he can ordinarily keepe about his own place, and that they be doubly rung, or at leaſt ſufficiently wrung, that they roote not up and deſtroy the meadows, &c. Alſo that from the middle of June to the laſt of September they be kept ſufficiently yoaked; and if in caſe any be found off the grounds of the owner, either unyoaked as before, or unwrung, the owner for every ſuch default to forfeit for every Swine five ſhillings for every weeke any ſhall be unwrung: And if in caſe any ſhall finde himſelfe aggreeved and require the yoaking of any unruly ſwine by reaſon of damage he is like to ſuſtaine, then to forfeit for every ſuch default per week, beſides the damage, five ſhillings; and the one halfe of theſe fines to come to the party ſo finding and diſcovering them, the other to the townеſhip to whom it belongs and the owner belongs. Alſo if in caſe any be found unwrung (or unyoaked after notice as before) then to forfeit upon diſcovery of it, for every ſwine 2*ſ.* and for every weeke after any ſhall ſo continue five ſhillings, the one halfe to come to the perſon ſo finding and diſcovering them, the other to the townſhip to which the owner belongs: Alſo that all piggs at or before ten weekes old, ſhall be rung: And upon ſufficient notice to the next juſtice of the peace, he to grant warrant to the conſtable to ſtraine any of theſe fines.

That whereas as well the lands within this patent as the municon, &c. was bought by way of purchaſe of diverſe the inhabitants of New-Plymouth, and that the ſaid purchaſers are poſſeſſed but of ſmall proporcons of land, and many of them meane, it is therefore thought meet, that the ſaid purchaſers ſhall hold and have reſerved for themſelves and their heirs, ſo much land in ſuch place and places as they ſhall judge meet and convenient for themſelves and their heirs aforeſaid.

That ſuch children as are heer borne, and next unto them ſuch as are heer brought up under their parents, and are come to age of diſcretion allowed, and want lands for their accomodacon, be provided for in place convenient before any that either come from England or elſewhere, then to ſeek as they are.

That place and places convenient reſerved for the ſaid purchaſers and their heirs.

They ſurrender the remainder of the lands to be diſpoſed of within the limitts of the Letters patent, dated to W. B. and his Aſſociats to the Government, it conſiſting of the Majeſtrates and Freemen of this Corporacon.

That fiſhing, fowling, hawking, hunting be freely allowed; provided if any damage come to any particular by the proſecucon of ſuch game, reſtitucon be made or the caſe actionable. But if any man deſire to improve a place and ſtock it with fiſh of any kind for his private uſe, it ſhall be lawfull for the Court to make ſuch a grant, and forbid all others to make uſe of it.

That every Conſtablerick have a ſufficient pound to impriſon cattle that ſhall tranſgreſſe any ſuch orders as are or ſhall be made.

That no man doe heard either his owne cattle or other mens, to the prejudice of any at or neere his or their houſe upon their lands, but upon due notice and warning ſhall reforme it, or the caſe be actionable.

That whoever ſhall kill a wolfe, and make it ſufficiently knowne to the Governor, or ſome Aſſiſtant, ſhall have fowr buſhell of corne, to be rayſed of the Conſtablerick or liberties.

That whatever damage come to any by cowes, goats, mares, ſheepe or hoggs, by breaking into mens ſufficient encloſures, it ſhall be lawful for the perſons ſo damnified to impownd them, and two indifferent men to view the damage, which accordingly ſhall be given.

That no guns or iron traps be ſett, unles in particular incloſures, and that not neere any highway.

That no ſervant coming out of his time or other ſingle perſon be ſuffered to keepe howſe, or to be for him or themſelves, till ſuch time as hee or they be competently provided of armes and munition according to the order of the Colonyes. And that if any ſuch be yet wanting they be provided as aforeſaid, or elſe provide themſelves ſuch maſters as may provide for them; and that to be done forthwith upon due warning.

That none be ſuffered to retale wine, ſtrong water or beere, and ſuffer the ſame to be drunke in their howſe, except in inns or victualling howſes allowed; that wine and ſtrong water be not ordinarily drawne but to ſtrangers for their comfort and refreſhment; and that no beere be ſold in any place to exceed in price two-pence the Wincheſter quart.

That ſuch as either drinke drunke in their perſons, or ſuffer any to drinke drunke in their howſe, be enquired into amongſt other miſdemeanors, and accordingly puniſhed or fined, or both, by the diſcrecon of the bench.

That the children and ſervants of ſuch as dwell neere any victualling howſe, be not entertained or ſuffered by the maſter of the ſaid howſe there to drinke and ſpend their time

time, but if any ſuch thing can be proved, it be eſteemed a miſdemeanor puniſhable on the ſaid victualler, and to be enquired into.

That ſuch ſervants as come out of their times, and are by their covenants to have lands, have onely five acres a peece at preſent, and that if they be found fit to occupie it for themſelves in ſome convenient place.

That none be allowed to be howſe keepers, or build any cottages or dwelling howſes, till ſuch time as they be allowed by the Governor or ſome one or more of the Councell of Aſſiſtants.

That from this time forward, whoever ſhall covenant to give lands by iudenture to their ſervants, at the expiracon of their ſervice, ſhall make good the ſame out of their proper lands, the Government being free from any ſuch covenant; and therefore not to be exſpected.

That the towne of Plymouth, with the purchaſers and freemen, have liberty of themſelves to diſpoſe of the lands that are or ſhall belong unto them, to ſuch they thinke meet to receive in unto them; and alſo to make ſuch orders for their convenient and more comfortable ſubſiſtance as ſhall by them be thought moſt meet and convenient; provided they be not contrary to the publick ordnances of the Government.

That Scituate be allowed the like liberties, and to diſpoſe of the grownds between the North River and Cowahaſett, provided they have recourſe to Plymouth in caſe of juſtice.

That whereas lands are given and granted to perſons upon ſuppoſall of their living upon them, for the maintenance and ſtrength of ſociety, if it fall out that perſons ſhall not occupie any ſuch lands, but depart from the ſame place, ſuch former grant or grants be of none effect, but ſhall return and be otherwiſe diſpoſed of by the Government in generall, or townſhip in particular, as it ſhall fall out.

That it be in the power of the Governor and Aſſiſtants, to comand ſolemn daies of humiliacon, by faſting, &c. and alſo for thankeſgiving as occaſion ſhall be offered.

That all ſuch miſdemeanors of any perſon or perſons, as tend to the hurt and detriment of ſociety, civility, peace, and neighbourhood be enquired into by the Grand Enqueſt, and the perſons preſented to the Court, that ſo the diſturbers thereof may be puniſhed, and the peace and welfare of the ſubject comfortably preſerved.

A WARRANT *to the Lord Admiral to ſtop unconformable Miniſters from going beyond Sea.*

[Ruſhworth, 2d Part, Vol. II. Page 410. Anno 1636.]

*WHEREAS it is obſerved, that ſuch *Miniſters who are unconformable* to the Diſcipline and Ceremonies of the Church, have and do frequently *tranſport themſelves* to the *Summer Iſlands*, and other his Majeſties Plantations abroad, where they take liberty to nouriſh and preſerve their factious and ſchiſmatical humours, to the ſeducing and abuſing of his Majeſties ſubjects, and the hindrance of that good conformity and unity in the Church which his Majeſty is careful and deſirous to eſtabliſh throughout his dominions: We are therefore in his Majeſty's name, and by his expreſs command, to pray and require your Lordſhip, to take preſent and ſtrict order that no *Clergyman*, be henceforth ſuffered to go over into the *Summer Iſlands*, but ſuch only as ſhall have approbation on that behalf from our very good Lords, the Lord Archbiſhop of *Canterbury* his grace, and the Lord Biſhop of *London*. And for all ſuch of them as are already gone thither without ſuch approbation, that you cauſe them forthwith to be remanded back hither.

EXTRACT *from* RUSHWORTH.

[Ibid.]

THE ſevere cenſures in *Star Chamber*, and the greatneſs of the fines, and the rigorous proceedings to impoſe ceremonies, the ſuſpending and ſilencing multitudes of Miniſters, for not reading in the church the Book for Sports to be exerciſed on the Lord's Day, cauſed many of the nation, both miniſters and others, to ſell their eſtates, and to ſet ſail for New England, (a late Plantation in America) where they hold a Plantation by Patent from the King.

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* Another copy of this is publiſhed in the ſame volume of Ruſhworth, page 721, and dated Auguſt 19. 1638.

A PROCLAMATION *againſt the diſorderly tranſporting his* MAJESTY'S *Subjects to the Plantations within the Parts of* AMERICA.

[Rymer, Vol. XX. P. 143. A. D. 1637.]

THE King's moſt Excellent Majeſty being informed that great numbers of his Subjects have been, and are every year tranſported into thoſe parts of America, which have been granted by Patent to ſeveral Perſons, and there ſettle themſelves, ſome of them with their families and whole eſtates, amongſt which numbers, there are alſo many idle and refractory Humours, whoſe only or principal end is, to live as much as they can without the reach of authority: His Majeſty having taken the premiſes into conſideration, is minded to reſtrain for the time to come, ſuch promiſcuous and diſorderly departing out of the realm, and doth therefore ſtraightly charge and command, all and every the Officers and Miniſters of his ſeveral ports in England, Wales, and Berwick, that they do not hereafter permit or ſuffer any perſons, being ſubſidy men, or of the value of ſubſidy men, to imbarque themſelves in any the ſaid ports or the members thereof, for any of the ſaid Plantations, without licence from his Majeſty's Commiſſioners for Plantations, firſt had and obtained in that behalf, nor that they admit to be imbarqued any perſons under the degree or value of ſubſidy men, without an atteſtation or certificate from two juſtices of the peace, living next the place where the party laſt of all or lately then before dwelt, that he hath taken the oaths of ſupremacy and allegiance, and like teſtimony from the miniſter of the pariſh of his converſation and conformity to the orders and diſcipline of the church of England. And further his Majeſty's expreſs will and pleaſure is, that the officers and miniſters of his ſaid ſeveral ports and the members thereof, do return to his Majeſty's ſaid Commiſſioners for Plantations every half year, a particular and perfect liſt of the names and qualities of all ſuch perſons, as ſhall from time to time be imbarqued in any of the ſaid ports for any of the ſaid Plantations; and of theſe his Majeſty's Royal Commands, all the officers and miniſters of the ſaid ports, and the members thereof, are to take care, as they will anſwer the neglect thereof at their perils. Given at our Court at Whitehall, the laſt day of April.

PER IPSUM REGEM.

ORDER

ORDER *of the* COUNCIL, *May* 1. 1638.

[Ruſhworth's Collections.]

" THE Privy Council made another Order, for reaſons importing the ſtate " beſt known to themſelves, ' That the Lord Treaſurer of England ſhall " take ſpeedy and effectual courſe for the ſtay of eight ſhips now in the River of " Thames, prepared to go for New England, and ſhall likewiſe give order for the " putting on land all the paſſengers and proviſions therein intended for that voy- " age. And ſome days after his Majeſty and the Board, taking into Conſidera- " tion the frequent reſort into New England of divers perſons ill affected to the re- " ligion eſtabliſhed in the Church of England, and to the good and peaceable go- " vernment of this ſtate; howbeit, upon the humble petition of the merchants, " paſſengers, and owners of the ſhips now bound for New England, and upon the " reaſons by them repreſented to the Board, his Majeſty was then graciouſly pleaſed " to free them from the late reſtraint to proceed in their intended voyage. Ne- " verthelefs his Majeſty knowing the factious diſpoſition of a great part of the peo- " ple of that Plantation, and how unfit and unworthy they are of any ſupport or " countenance from hence in reſpect of the great diſorders and want of government " among them, whereof ſundry and great complaints have been preſented to the " Board, and made appear to be true, by thoſe that being well-affected both for " religion and government, have ſuffered much loſs in their eſtates by the unruly " factious party, did think fit and order, That Mr. Attorney-General ſhall forth- " with draw up a Proclamation expreſſing his Majeſty's royal pleaſure to prohibit all " merchants, maſters, and owners of ſhips, henceforward to ſet forth any ſhip or " ſhips with paſſengers for New England, till they have firſt obtained ſpecial Li- " cence on that Behalf, from ſuch of the Lords of his Majeſty's moſt honourable " Privy Council, as are appointed for the buſineſſes of Foreign Plantations by ſpe- " cial Commiſſion.

" According to this order of the Council a Proclamation iſſued forth."

A QUO WARRANTO *brought againſt the Company of the* MASSACHUSETTS-BAY *by Sir* JOHN BANKS, *Attorney-General.*

Trin. 11^mo. Car. I^mi R^s.
In Banco R^s.

[Hutchinſon's Collection of original Papers.]

London ff. THAT Sir Henry Roſewell and all the Maſſachuſetts Company named in the patent, and others of the ſaid Company in New England, for three years laſt paſt and more, uſed in London and other places, as alſoe in ſeverall partes beyond the ſeas, out of this kingdome of England, without any warrant or royall grant, the liberties, priviledges and franchiſes following, viz.

(1) To be a body corporate and politique by the name of the Governor and Company of the Maſſachuſetts Bay in New England, and by that name to plead and be impleaded, anſwer and be anſwered in all courts and cauſes.

(2) By that name to be capable of purchaſeing and retaining any lands, hereditaments or goods from his Majeſty or any other in England or elſewhere, and of aliening the ſame to any perſon.

(3) Have ſeverall common ſeals alterable at theire pleaſures.

(4) To make and ſweare a Governor and Deputy Governor, of themſelves, and to name and ſweare any perſons, either out of themſelves or others, to be aſſiſtants of the ſaid ſociety, and to appoint and ſweare out of themſelves ſoe many officers in England, and abroad in Maſſachuſetts-Bay, as they pleaſe, and at their wills to diſplace and change any of them.

(5) To admitt whom they pleaſe into the ſaid Company, as well aliens as others, and take ſeverall ſomes of money for ſuch admiſſions, and at their wills disfranchiſe whome they pleaſe, and turn them out of that Company.

(6) To hold to themſelves and ſucceſſors all that his Majeſty's territory of Maſſachuſetts-Bay in New England, and the ſame to ſell, give or diſpoſe of as they pleaſe, and to have the ſole government of all that country, and all perſons there or coming thither or trading thither, by the orders and conſtitutions of theire ſociety.

(7) To keep a conſtant councell in England of men of theire own Company and chooſeing, and to name, chooſe and ſweare certaine perſons to be of that councell, and to keepe one councell ever reſident in New England, choſen out of themſelves and to name chooſe and ſweare whom they pleaſe to be of that councell.

(8) To appoint councell houſes in England and beyond ſeas and there, when they pleaſe, to hold a court of ſuch of the ſaid company as they pleaſe; and in ſuch courts to make ſuch lawes and ſtatutes concerning the lands goods and chattels of

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that company and other perſons beyond ſeas, againſt the laws and cuſtoms of England, and all ſuch, as well of the ſaid company as others who are diſobedient to the ſame, to impriſon, fine and amerce and them to leavy and convert to their own uſe.

(9) To tranſport out of England beyond the ſeas, his Majeſty's ſubjects, and others and them, at their wills, to governe on the ſeas and on partes beyond the ſeas.

To have power, againſt the laws and ſtatutes of England, to tranſporte thence into partes beyond the ſeas all merchandizes and other things whatever prohibited by the lawes and ſtatutes of England, and all weapons and inſtruments of warr, powder, ſhott, victuals, horſes, mares, and all other merchandize cuſtome free.

(10) To exact of all perſons tradeing there, his Majeſtys or others, of the ſaid company or others, certaine ſomes of money, at theire wills, and to impriſon ſuch as refuſe or neglect to pay the ſame.

(11) To have the ſole importation, from thence, of all merchandizes into England, and by their own authority, prohibiting any of theire company to export out of England any merchandizes or other things thither.

(12) And to lay fines and amercements on ſuch perſons trading with any goods thither and to impriſon theire perſons, and lay ſuch mulcts on theire merchandize as they pleaſed.

(13) To uſe, in thoſe partes beyond ſeas, and upon the high ſea, at theire pleaſures, martiall law.

(14) And to examine on oath any perſon in any cauſe touching life and member, and to proceed to triall, ſentence, judgment and execution, touching life and member, lands, tenements, goods and chattells, againſt the lawes and cuſtomes of England.

All which franchiſes, liberties, &c. the ſaid Sir Henry Roſewell and others of the ſaid company have, for all that time and ſtill do uſurp in contempt of his Majeſty, &c.

And Mr. Attorney prayes proceſs againſt the ſaid perſons to anſwer by what warrant they held the ſame.

In Mich^as^ T. XI^mo^. Car. I^mi^.

THEOPHILUS EATON came in and pleaded, That he never uſurped any the ſaid liberties, priviledges and franchiſes in the information, nor did, nor doth uſe or claime any of the ſame, but wholly diſclaymes them, and prayes diſmiſſion, whereupon the court gave judgment:

That the ſaid Theophilus ſhall not for the future intermeddle with any the liberties or franchiſes aforeſaid, but ſhall be forever excluded from all uſe and claime of the ſame and every of them.

Hill. XI^mo. Car. I^mi.

Sir Henry Roſewell comes in and pleades the ſame.

Paſſ. XIII^tio. Car. I^mi.

Sir John Young comes in and pleades the ſame.

Hill. XII^mo. Car. I^mi.

Sir Richard Saltonſtall comes in and pleades the ſame, and judgment given againſt him as againſt Eaton.

Mich. XI^mo. Car. I^mi.

John Ven comes in and pleades the ſame, and the like judgment againſt him.

Eod. Termino.

Matthew Cradock comes in, having had time to interplead, &c. and on his default judgment was given, That he ſhould be convicted of the uſurpation charged in the information, and that the ſaid liberties, priviledges and franchiſes ſhould be taken and ſeiſed into the King's hands, the ſaid Matthew not to intermedle with and be excluded the uſe thereof, and the ſaid Matthew to be taken to anſwer to the King for the ſaid uſurpation.

Eod. Termino.

George Harwood comes in and pleades the ſame with Eaton, and the like judgment given againſt him as Eaton.

Eod. Termino.

Richard Perry and Thomas Hutchins came in and pleaded the ſame, and had like judgment as Eaton.

Eod. Termino.

Nathaniel Wright does the ſame, and judgment alike.

Eod. Termino.

Samuel Vaſſal pleades the ſame, and has the ſame judgment againſt him as Eaton.

Eod. Termino.

Thomas Goffe pleades the ſame, and has the ſame judgment.

Eod. Termino.

Thomas Adams pleades the ſame and has the ſame judgment.

Mich. XIII^tio. Car. I^mi.

John Browne pleades the ſame and has the ſame judgment.

Mich. XI^mo. Car. I^mi.

George Foxcroft pleades the ſame and receives the ſame judgment as Eaton.

The reſt of the patentees ſtood outlawed an noe judgment entered up againſt them.

NEW-PLYMOUTH *Vote to aſſiſt* MASSACHUSETTS *and* CONNECTICUT, *June* 7, 1637.

[Plymouth Colony Records.]

IT is concluded and enacted by the Court, that the Coloney of New-Plymouth ſhall ſend forth ayd to aſſiſt them of Maſſachuſetts-Bay and Conectacutt, in their warrs againſt the Pequin Indians, in reveng of the innocent blood of the Engliſh which the ſaid Pequins have barbarouſly ſhed and refuſe to give ſatisfaccon for.

AN *Anſwere to the propoſicons made by* MR. LEVERIDGE *and others of* SANDWICH, *concerning the Lande there.*

[Plymouth Colony Records.]

Pro. 1. WHETHER the vndertakers have a full gift of the Lands at Sandwiche, or whether a condiconall graunt onely for the ſetling of ſuch a convenient number there, that may be uſefull for the Commonwealth, and chiefly fit for church fellowſhip?

Anſ. To the firſt we anſwere: For your terme of vndertakers we rather put inſtead there of committies as ſuiting more properly with the relacon twixt them and us, their grant being condiconall and not abſolute; and the truſt committed to them being for the eaſe of the Government, and more convenient accommodacon of ſuch people as ſhalbe qualified according to the condicon and extent of the graunt and their joynt promiſes.

Pro. 2. Whether ſuch of them as are ſtill at Sauguſt ſhall have any power at all there, either to diſpoſe of thinges or poſſeſſe any lands at all in caſe they come not to inhabite?

Anſ. To the ſecond, we anſwere negatiuely: For when they made ſuite to us, it was as a people ſtreitened and pretending remooveall really with all poſſible conveniency.

Pro. 3. Whether it may not be thought convenient to ad ſome others in their ſtead to the reſt in caſe they come not? ſuch as are of the church there, or neighbours of good report?

Anſ.

Anſ. To the third we anſwere affirmatively if need require; provided you make choyſe of ſuch as the Government ſhall approve of, for they are but committies.

Pro. 4. Whether they may ſubſtitute any in their rooms, in caſe they bee neceſſaryly called to be abſent?

Anſ. To the fourth we anſwere as to the third.

Pro. 5. Whether if this power be abuſed, how it may be reformed?

Anſ. To the fift as abuſes ſhall ariſe vpon due complaint, the Majeſtrate muſt do juſtice as in other caſes.

Pro. 6. Whether in particular it be not an abuſe of the power in caſe they ſhould monopolize the chiefe places of conveniency for land, woods, meadowes, &c. to the prejudice of the towne in generall.

Anſ. To the ſixt wee anſwere: Such the caſe may be, and the damage ſo great to the whole as not to be ſuffered; but if the committies be faythfull and able of eſtate theire paynes will not be ſmall; now theire eſtates muſt be provided for, and theire paynes wil require more than ordinary accommodacon.

To the quere in the letter, whether two towneſhips, &c. Wee anſwere, We made the grant of the lands to one; neither can there be any other without the allowance of the Government; but if the land farr off be diſpoſed of for farmes to men of eſtate, We ſee no cauſe of diſlike.

A DECLARATION *ſent the Copy to* CONNECTICUTT *about the* PECOITS *Country, and* QUINAPIACK.

[Maſſachuſetts Records.]

At a general Court held at Newtown, the 20th Day of the 9th Month, A. D. 1637.

WHEREAS it hath pleaſed the Lord of his great mercy, to deliver into our hands our enemies the Pecoits and their allies, and that thereby the lands and places which they poſſeſſed are by juſt title of conqueſt fallen to us, and our friends and aſſociates upon the River of Connecticutt: And whereas by ſubduing thoſe our enemies, not only ourſelves and our ſaid aſſociates, have obtained reſt and liberty; but opportunity is alſo given for peaceable habitation to all ſuch as ſhall hereafter inhabit the lands of our ſaid enemies, both at Pecoit and Quinapiack, and the parts beyond towards the Dutch: We do hereby declare the juſt right and title, which

ourſelves and our ſaid aſſociates upon Connecticutt have to all the ſaid lands and territories; and withall it is our deſire, that our ſaid aſſociates (according to the articles of confederation agreed upon between us) will be pleaſed to appoint two committees, ſufficiently authoriſed to give our committees a meeting at Newtown, ſo ſoon as the ſeaſon of the year will permit, to conſult and determine of the diſpoſing and planting of the ſaid lands, and ſetting down an equall and rateable proportion towards the charges expended in the ſaid wars, to be paid by all ſuch as ſhall be admitted to plant and inhabit the ſame; and that they will pleaſe to give us convenient notice of the time of their coming and conſent of joining with us in this conſultation, 17th 9th Month.

per * I. N. Secret.

THE KING'S LETTER *to the high commiſſion Court.*

[Rymer. Vol. xx. Page 190, A. D. 1637.]

CHARLES R.

Moſt Reverend Fathers in God, Right truſty and Right entirely beloved Counſellers, &c. Truſty and welbeloved, We greet you well.

WHEREAS We are given to underſtand, that divers diſorderly and refractory perſons have been ſeduced, or withdrawn themſelves from their obedience to our eccleſiaſtical laws, into ſeveral ways of ſeparation, ſects, ſchiſms, and hereſies, and being convented for the ſame, or for other their miſdemeanors and notorious offences before you our commiſſioners for cauſes eccleſiaſtical, are grown to that obſtinacy and diſobedience, that ſome of them refuſe to take their oath, and others being ſworne, refuſe to anſwer to the articles and matters there objected againſt them, or by equivocation or other undue evaſions, do not make full and plain anſwer unto the ſame as by law they ought; Now for as much as you our ſaid Commiſſioners for cauſes Eccleſiaſtical, are authorized by our Letters Patents under our great ſeal, and that your proceedings are not only and wholly according to the formal manner and terms of the Civil and Canon laws, but with ſome relation to the form of proceeding uſed in our Courts of *Starchamber*, *Chancery*, or Court of *Requeſts* and *Exchequer*, wherein Defendants and Delinquents have always uſed to anſwer upon their oaths in

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* Increaſe Nowell.

in cauſes againſt themſelves, and alſo to anſwer interrogatories, touching their own contempts and crimes objected againſt them, which courſe in thoſe Courts is daily practiſed and held agreeable to the laws and cuſtoms of this Realm; therefore for the better regulating of ſuch contemptuous perſons, in and for their obedience to our laws Eccleſiaſtical, We do hereby declare and ſignify of our own meer motion and certain knowledge, and by our Supreme power Eccleſiaſtical, do order and appoint that ſuch perſons as ſhall be legally called into our high commiſſion Court, before you our ſaid Commiſſioners, ſhall and may lawfully by you be enjoined to take their corporal oaths, and by virtue thereof, to anſwer to ſuch articles and interrogatories as ſhall be there objected againſt them, being of Eccleſiaſtical cognizances, and within the limits of your ſaid commiſſion by our ſaid Letters Patents granted unto you our ſaid commiſſioners; and if any perſon or perſons out of their perverſe will and obſtinacy, ſhall either refuſe to take ſuch oath before you our ſaid commiſſioners, or being ſworn, ſhall refuſe to anſwer, or not make a full and plain anſwer to the ſaid articles or interrogatories to them objected, that then after due monition given, and intimation made to the ſaid perſons in that behalf, if they ſhall ſtill continue and perſiſt in their contumacy, every ſuch perſon to be ſworn ſo refuſing, or being ſworn, refuſing to anſwer, and not fully and plainly anſwering to the ſaid articles and interrogatories, ſhall and may be declared and adjudged by you our ſaid commiſſioners *pro Confeſſo*, and ſhall be held and had as confeſſed and convicted legally of all thoſe articles and matters to which he ſo refuſeth to be ſworn, or being ſworn, ſhall refuſe to anſwer, or not make full and plain anſwer as aforeſaid; and theſe our letters ſhall be a ſufficient warrant and diſcharge in that behalf. Given under our ſignet at our Palace at *Weſtminſter*, the fourth day of *February* in the thirteenth year of our reign.

Subſcribed,

To the moſt Reverend Fathers in God, our right truſty and right entirely belovea Councellors, &c. William *Lord Archbiſhop of* Canterbury, *Primate and Metropolitan of all* England, *and* Richard, *Lord Archbiſhop of* York, *Primate and Metropolitan of* England, *and to the reſt of our Commiſſioners of our Court of high Commiſſion now being, and to all and ſingular the Commiſſioners of that Court that hereafter for the time ſhall be.*

ORDER

ORDER *of* COUNCIL *upon* CLAYBORNE's *Petition againſt Lord* BALTIMORE.

[Votes of Aſſembly of Pennſylvania.]

At Whitehall, the Fourth of April, 1638.

PRESENT,

Lord Archbiſhop of Canterbury,
Lord Keeper,
Lord Treaſurer,
Lord Privy Seal,
Earl Marſhal,
Earl of Dorſet,
Lord Cottington,
Mr. Treaſurer,
Mr. Comptroller,
Mr. Secretary Cook,
Mr. Secretary Windebank.

WHEREAS a Petition was preſented to his Majeſty by Captain William Clayborne, on the behalf of himſelf and partners, ſhewing, that by virtue of a Commiſſion under his Majeſty's Hand and Signet, they, divers years paſt, diſcovered and planted upon an iſland in the great bay of Cheaſepeak, in Virginia, named by them The Iſle of Kent, whereupon (they pretended) they had beſtowed great charges; and that the Lord Baltimore (as they alledged) taking notice of the great benefit that was likely to ariſe to them thereby, obtained a Patent from his Majeſty, comprehending the ſaid Iſland within the limits thereof; and that they had likewiſe ſettled another Plantation upon the mouth of a river, in the bottom of the ſaid Bay, in the Saſquehannahs Country, which the ſaid Lord Baltimore's Agent there (as they alledge) ſought to diſpoſſeſs them of, pretending likewiſe great injuries and violence offered to them in their trade and poſſeſſions in thoſe parts, by the ſaid Agent, in killing ſome of the ſaid Captain Clayborne's men; taking their boats contrary to the ſaid Commiſſion and expreſs words of a Letter from his Majeſty, under his Hand and Signet; and therefore beſought his Majeſty to grant unto the Petitioner a Confirmation, under the Great Seal, of his Majeſty's ſaid Commiſſion and Letter, for the quiet keeping, enjoying, and governing of the ſaid Iſlands, Plantation and People, with other Addittaments of Lands and Immunities in thoſe parts; and likewiſe that his Majeſty would refer the examination of the ſaid wrongs and injuries, to ſuch as his Majeſty ſhould think fit, as by the ſaid Petition more at large appeareth. Foraſmuch as his Majeſty was pleaſed, at New-Market, the twenty-ſixth of February, 1637, to refer the conſideration of the Petitioner's

titioner's requeſt unto the Lord Archbiſhop of Canterbury, the Lord Keeper, the Lord Privy Seal, and any other the Commiſſioners for Plantations, who ſhould be near at hand, and whom they pleaſed to call, and withal to adviſe with Mr. Attorney-General, for the preparing and ſettling the Grant deſired, for his Majeſty's Signature, and to examine the wrongs complained of, and certify his Majeſty what they thought fit to be done for redreſs thereof: Whereupon all parties attending their Lordſhips this day, with their Council learned, and being fully heard, the ſaid Commiſſion and Letter being likewiſe read, it appeared clearly to their Lordſhips, and was confeſſed by the ſaid Clayborne himſelf, then preſent, that the ſaid Iſle of Kent is within the bounds and limits of the ſaid Lord Baltimore's Patent; and the ſaid Captain Clayborne's Commiſſion (as it likewiſe appeared) was only a licence under the Signet of Scotland, to trade with the Indians of America, in ſuch places where the ſaid trade had not formerly been granted by his Majeſty to any other; which Commiſſion, their Lordſhips declared did not extend, nor give any warrant to the ſaid Clayborne, or any other; nor had they any right or title thereby to the ſaid Iſle of Kent, or to plant or trade there, or in any other parts or places, with the Indians or Savages within the precincts of the Lord Baltimore's Patent; and their Lordſhips did likewiſe declare, that the aforeſaid Letter, under his Majeſty's Signature, which had reference to the ſaid Commiſſion, under the Signet of Scotland, was grounded upon Miſinformation, by ſuppoſing that the ſaid Commiſſion warranted the Plantation in the Iſle of Kent, which (as now appears) it did not. Whereupon, as alſo upon conſideration of a former order of this Board of the third of July, 1633, wherein it appeared, that the difference now in queſtion being then controverted, the Lord Baltimore was left to the right of his Patent, and the Petitioners to the courſe of law, their Lordſhips having reſolved and declared as aboveſaid, the right and title to the Iſle of Kent, and other places in queſtion, to be abſolutely belonging to the Lord Baltimore, and that no Plantation or Trade with the Indians ought to be within the precincts of his Patent, without licence from him, did therefore likewiſe think fit and declare, that no Grant from his Majeſty ſhould paſs to the ſaid Clayborne, or any others, of the ſaid Iſle of Kent, or other parts or places within the ſaid Patent; where of his Majeſty's Attorney and Solicitor-General are hereby prayed to take notice; and concerning the violences and wrongs, by the ſaid Clayborne, and the reſt complained of in the ſaid Petition to his Majeſty, their Lordſhips did now alſo declare, that they found no cauſe at all to relieve them, but do leave both ſides therein to the ordinary courſe of juſtice.

A COPIE

A COPIE *of a Letter ſent by the Appointment of the* LORDS *of the* COUNCIL *to* MR. WINTHROPE *for the Patent of this * Plantation to be ſent to them.*

[Hubbard's MSS. Hiſt.]

At Whitehall, April 4, 1638.

PRESENT,

Lord Archbiſhop of Canterbury,	Earle of Holland,
Lord Keeper,	Lord Cottington,
Lord Treaſurer,	Mr. Treaſurer,
Lord Privy Seale,	Mr. Controuler,
Earle Marſhall,	Mr. Secretary Cooke,
Earle of Dorſet,	Mr. Secretary Windebanke.

THIS day the Lords Commiſſioners for foreigne Plantations, takeing into conſideration that the Petitions and Complaints of his Majeſties ſubjects, planters and traders in New England, grow more frequent than heretofore for want of a ſettled and orderly government in thoſe parts, and calling to mind that they had formerly given order about two or three yeares ſince to Mr. Cradock, a member of that Plantation to cauſe the Grants or Letters Patents for that Plantation (alledged by him to be there remaining in the hands of Mr. Winthrope) to be ſent over hither, and that notwithſtanding the ſame, the ſaid Letters Patent were not as yet brought over. And their Lordſhips being now informed by Mr. Attorney-General that a Quo-Warranto had been by him brought according to former order againſt the ſaid Patent, and the ſame was proceeded to judgment againſt ſo many as had appeared, and that they which had not appeared were outlawed.

Their Lordſhips well approveing of Mr. Attorney's care and proceeding therein, did now reſolve and order, that Mr. Meawtes Clerke of the Council, attendant upon the ſaid Commiſſioners for forreigne Plantations, ſhould in a letter from himſelfe to Mr. Winthrope, incloſe and convey this order unto him. And their Lordſhips hereby, in his Majeſty's name, and according to his expreſs Will and Pleaſure, ſtrictly require and enjoyne, the ſaid Winthrope or any other in whoſe power or cuſtody the ſaid Letters Patents are, that they fail not to tranſmit the ſaid Patent hither by the returne of the ſhip in which the order is conveyed to them; it being reſolved that in caſe

* Maſſachuſetts.

caſe of any further neglect or contempt by them ſhewed therein, their Lordſhips will cauſe a ſtrict courſe to be taken againſt them, and will move his Majeſty to reaſſume into his hands the whole Plantation.

ORDER *of Council for a Proclamation to prohibit the Tranſportation of Paſſengers to* NEW-ENGLAND *without Licence.*

[Ruſhworth, Part 2, Vol. II. Page 718, A. D. 1638.]

At WHITEHALL, *April* 6.

PRESENT

The King's moſt Excellent Majeſty.

Lord Archbiſhop of Canterbury,
Lord Keeper,
Lord Treaſurer,
Lord Privy Seal,
Lord Duke of Lenox,
Earl Marſhal,
Earl of Northumberland,
Earl of Saliſbury,
Lord Cottington,
Lord Neuburgh,
Mr. Treaſurer,
Mr. Vice-Chamberlain,
Mr. Secretary Cook,
Mr. Secretary Windebanck.

HIS Majeſty and the Board taking into conſideration the frequent reſort to New England, of divers perſons ill affected to the Religion eſtabliſhed in the Church of England, and to the good and peaceable Government of this State: However, upon the humble Petition of the Merchants, Paſſengers, and Owners of Ships now bound for New England, and upon the reaſons by them repreſented to the Board, his Majeſty was graciouſly pleaſed at this time to free them from a late reſtraint, and to ſet them at liberty to proceed on in their intended voyage. Nevertheleſs his Majeſty well knowing the factious diſpoſition of the People (for a great part of them) in that Plantation, and how unfit and unworthy they are of any ſupport or countenance from hence, in reſpect of the great diſorders and want of Government amongſt them; whereof ſundry and great complaints have been preſented to the Board, and made appear to be true, by thoſe that being well affected, both for Religion and Government, have ſuffered much loſs in their eſtates by the unruly factious

party, did think fit and order, that Mr. Attorney-General ſhall forthwith draw up a proclamation, expreſſing his Majeſty's Royal pleaſure, to prohibit all Merchants, Maſters, and Owners of Ships from henceforth, to ſet forth any Ship, or Ships, with Paſſengers for New England, till they firſt obtained ſpecial Licence on that behalf, from ſuch of the Lords of his Majeſty's moſt Honorable Privy Council as are appointed for the buſineſs of Foreign Plantations by ſpeciall Commiſſion.

A PROCLAMATION *to reſtrain the Tranſporting of Paſſengers and Proviſions to* NEW ENGLAND *without Licence.*

[Rymer, Vol. xx. P. 223. A. D. 1638.]

THE King's moſt excellent Majeſty, for divers weighty and important cauſes, well known unto his Majeſty, doth hereby ſtraightly charge and command all Merchants, Maſters and owners of ſhips whatſoever, that from henceforth, they or any of them, do not preſume to ſet forth any ſhip or ſhips, with paſſengers or proviſions for New-England, untill they ſhall have firſt obtained ſpecial licence from his Majeſty, or ſuch of the Lords and others of his Privy Council, as by his Majeſty's ſpecial Commiſſion now are or ſhall be appointed for the buſineſs of Foreign Plantations, upon pain of his Majeſty's high diſpleaſure, and ſuch penalties and puniſhments as ſhall be thought meet to be inflicted on offenders herein for their contempt of his Majeſty's Royal commands; and his majeſty doth hereby further require and command all the cuſtomers and other officers and Miniſters of or belonging to all or any his ports within the Realm of England and dominion of Wales, that they and every of them in their ſeveral offices and places, do take ſpecial care of the due execution of his Majeſty's Royall will and pleaſure herein declared, as they will anſwer for the contrary at their uttermoſt Perils.

Given at the Court at Whitehall, the firſt day of May.

PER IPSUM REGEM.

MASSACHUSETTS PETITION *to the Lords Commiſſioners for Foreign Plantations.*

[Hubbard's M. S. Hiſtory, A. D. 1638.]

To the Right Honorable the Lords Commiſſioners for Foreign Plantations,

THE humble petition of the Maſſachuſetts in New-England in the General Court there aſſembled the 6th day of September in the 14th year of the reigne of our Sovereigne Lord King Charles.

Whereas it hath pleaſed your Lordſhips by order of the 4th of April laſt, to require our patent to be ſent unto you, wee do here humbly and ſincerely profeſs that we are ready to yield all due obedience to our Sovereigne Lord the King's Majeſtie, and to your Lordſhips under him, and in this mind Wee left our native Country, and according thereunto hath been our practice ever ſince, ſo as wee are much grieved that your Lordſhips ſhould call in our Patent, there being no cauſe knowne to us for that purpoſe; our Government being ſettled according to his Majeſties grant, and wee not anſwerable for any defects in other Plantations. This is that which his Majeſties ſubjects do believe and profeſs; and therefore wee are all humble ſuitors to your Lordſhips, that you would be pleaſed to take into further conſideration our condition, and to afford unto us the liberties of ſubjects, that wee may know what is layd to our charge, and have leave and time to anſwer for ourſelves, before wee be condemned as a people unworthy of his Majeſties favour or protection. As for the Quo Warranto mentioned in the ſaid order, wee do aſſure your Lordſhips that wee were never called to make anſwer to it; and if wee had, Wee doubt not but Wee have a ſufficient plea to put in.

1. It is not unknowne to your Lordſhips that wee came into theſe remote parts with his Majeſties licence and encouragement, under his Great Seale of England, and in the confidence wee had of the great aſſurance of his favour, wee have tranſported our families and eſtates, and here have wee built and planted to the great enlargement and ſecureing of his Majeſtie's Dominions in theſe parts, ſo as if our patent ſhould be now taken from us, wee ſhould be looked at as runagates and outlaws, and ſhall be enforced either to remove to ſome other place, or to return to our native Country again; either of which will put us to inſuperable extremities, and theſe evils (among others) will neceſſarily follow.

1. Many thouſand ſoules will be expoſed to ruine, being laid open to the injuries of all men.

2. If wee be forced to deſert the place, the reſt of the plantations about us (be-

ing too weake to ſubſiſt alone) will for the moſt part diſſolve and go along with us; and then will this whole Country fall into the hands of French or Dutch, who would ſpeedily embrace ſuch an opportunity.

3. If wee ſhould loſe all our labour and coſt, and be deprived of thoſe liberties which his Majeſty hath granted us, and nothing layed to our charge, nor any faileing to be found in us in point of alleagiance (which all our countrymen do take notice of, and wee juſtify our faithfulneſs in this behalf) it will diſcourage all men hereafter from the like undertakeings upon confidence of his Majeſties Royal Grant.

Laſtly, If our patent be taken from us (whereby wee ſuppoſe wee may claime intereſt in his Majeſties favour and protection) the comon people here will conceive that his Majeſty hath caſt them off, and that hereby they are freed from their allegiance and ſubjection, and thereupon will be ready to confederate themſelves under a new government for their neceſſary ſafety and ſubſiſtance, which will be of dangerous example unto other Plantations, and perilous to ourſelves, of incurring his Majeſties diſpleaſure; which we woud by all meanes avoyd.

Upon theſe conſiderations wee are bold to renew our humble ſupplications to your Lordſhips, that wee may be ſuffered to live here in this wilderneſs, and that this poor Plantation which hath found more favour with God than many other, may not find leſs favor from your Lordſhips, that our liberties ſhoud be reſtrained when others are enlarged, that the door ſhould be kept ſhut unto us, while it ſtands open to all other Plantations, that men of ability ſhould be debarred from us, while they have encouragement to other Colonies:—Wee do not queſtion your Lordſhips proceedings, wee only deſire to open our griefs where the remedy is to be expected. If in any thing wee have offended his majeſty and your Lordſhips, Wee humbly proſtrate ourſelves at the footſtoole of ſupreem authority.

Lett us be made the objects of his Majeſties Clemency, and not cut off in our firſt appeal from all hope of favour. Thus with our earneſt prayers unto the King of Kings, for long life and proſperity to his Sacred Majeſty, and his Royall Family, and for all honor and welfare to your Lordſhips, wee humbly take leave,

This is a true Copy compared with the originall on File, as atteſts,

EDWARD RAWSON, Secretary.

OBSERVATION

OBSERVATION *of* MASSACHUSETTS *South Line, October 10th*, 1638.

[Maſſachuſetts Records.]

THE Obſervation taken for the moſt ſoutherly parts of this Patent going along by Charles River we found to be 41 degrees 49 minutes of north latitude, where we took our Obſervation, the River ſtill running ſoutherly; but we for want of neceſſaries could not at that time try the utmoſt end of the River.

Nathaniel Woodward, Mathematician; Mr. Dalton, William Perkins, John Fairbank, and Mr. Dalton's ſervant.

ARTICLES *of* GOVERNMENT *agreed upon by the Towns of* WINDSOR, HARTFORD, *and* WEATHERSFIELD, *in* 1638.

[From a MSS. Copy.]

FORASMUCH as it hath pleaſed the Almighty God, by the wiſe diſpoſition of his divine providence, ſo to order and diſpoſe of things, that we, the inhabitants and reſidents of Winſor, Hartford, and Weathersfield, are now cohabiting and dwelling in and upon the river of *Connecticutt* and the lands thereunto adjoining; and well knowing where a people are gathered together, the Word of God requires, that to maintain the peace and union of ſuch a people, there ſhould be an orderly and decent government eſtabliſhed according to God, to order and diſpoſe the affairs of the people at all times as occaſion ſhould require: Do therefore aſſociate and conjoin ourſelves to be as one public ſtate and Commonwealth; and do for ourſelves and our ſucceſſors, and ſuch as ſhall be adjoined to us at all times hereafter, enter into combination and confederation together to maintain and preſerve the liberty and purity of the Goſpel of our Lord Jeſus, which we now profeſs, as alſo the Diſcipline of the Churches which according to the truth of ſaid Goſpel is now practiſed amongſt us; as alſo in our civil affairs to be guided and governed according to ſuch laws, rules, orders and decrees as ſhall be made, ordered, and decreed, as followeth:

I. It is ordered, ſentenced, and decreed, that there ſhall be yearly two General Aſſemblies or Courts, the one on the ſecond Thurſday of April, the other the ſecond Thurſday of September following. The firſt ſhall be called the Court of Election, wherein

wherein ſhall be yearly choſen from time to time ſo many Magiſtrates and other public Officers as ſhall be found requiſite, whereof one to be choſen Governor for the year enſuing, and untill another be choſen, and no other Magiſtrate to be choſen for more than one year, provided always there be ſix choſen beſides the Governour; which being choſen and ſworn according to an oath recorded for that purpoſe, ſhall have power to adminiſter juſtice according to the law here eſtabliſhed, and for want thereof, according to the rule of the Word of God: Which choice ſhall be made by all that are admitted Freemen and have taken the oath of Fidelity, and do cohabit within this juriſdiction; having been admitted inhabitants by the major part of the town where they live, or the major part of ſuch as ſhall be then preſent.

II. It is ordered, ſentenced, and decreed, that the election of the aforeſaid Magiſtrates ſhall be on this manner:—every perſon preſent and qualified for choiſe ſhall bring in (to the perſons deputed to receive them) one ſingle paper, with the name of him written in it whom he deſires to have Governour, and he that hath the greateſt number of papers ſhall be Governour for that year; and the reſt of the Magiſtrates and public Officers to be choſen in this manner: The Secretary for the time being ſhall firſt read the names of all that are to be put to choiſe, and then ſhall ſeverally nominate them diſtinctly, and every one that would have the perſons ſo nominated to be choſen ſhall bring in one ſingle paper written upon, and he that would not have him choſen ſhall bring in a blank, and every one that hath more written papers than blanks ſhall be a Magiſtrate for that year, which papers ſhall be received and told by one or more that ſhall be then choſen by the Court, and ſworn to be faithful therein. But in caſe there ſhould not be ſix perſons as aforeſaid beſides the Governor out of thoſe which are nominated, then he or they which have the moſt written papers ſhall be a Magiſtrate or Magiſtrates for the enſuing year to make up the aforeſaid number.

III. It is ordered, ſentenced, and decreed, that the Secretary ſhall not nominate any perſon now, nor ſhall any perſon be choſen newly into the Magiſtracy which was not propounded in ſome General Court before to be nominated the next election; and to that end it ſhall be lawfull for each of the towns aforeſaid, by their deputies, to nominate any two whom they conceive fitt to be put to election, and the Court may add ſo many more as they judge requiſite.

IV. It is ordered, ſentenced, and decreed, that no perſon be choſen Governour above once in two years, and that the Governour be always a member of ſome approved Congregation and formerly of the Magiſtracy within this juriſdiction; and all the Magiſtrates, freemen of this Commonwealth, and that no Magiſtrate or other public Officer ſhall execute any part of his or their Office before they are ſeverally ſworn, which ſhall be done in the Face of the Court, if they be preſent, and in caſe of abſence, by ſome deputed for that purpoſe.

V. It

V. It is ordered, ſentenced, and decreed, that to the aforeſaid Court of Election the ſeveral towns ſhall ſend their deputies; and when the elections are ended they may proceed in any public ſervice as att other Courts: alſo the other General Court in September ſhall be for making of laws and any other public occaſion which concerns the good of the Commonwealth.

VI. It is ordered, ſentenced, and decreed, that the Governour ſhall, either by himſelf or by the Secretary ſend out ſummons to the conſtables of every town for the calling thoſe two ſtanding Courts one month att leaſt before their ſeveral times; and alſo if the Governour and greateſt part of the Magiſtrates ſee cauſe upon any ſpecial occaſion to call a General Court, he may give order to the Secretary ſo to do within fourteen days warning, and if urgent neceſſity ſo require, upon a ſhorter notice, giving ſufficient Grounds for it to the deputies when they meet, or elſe be queſtioned for the ſame. And if the Governour and major part of the Magiſtrates ſhall either neglect or refuſe to call the two General Standing Courts or either of them, as alſo att other times when the occaſions of the Commonwealth require, the Freemen thereof or the major part of them ſhall petition to them ſo to do, if then it be either denied or neglected the ſaid Freemen, or the major part of them, ſhall have power to give order to the conſtables of the ſeveral towns to do the ſame, and ſo may meet together, and chooſe to themſelves a Moderator, and may proceed to do any act of power which any other General Court may.

VII. It is ordered, ſentenced, and decreed, that after there are Warrants given out for any of the ſaid General Courts, the conſtable or conſtables for each town ſhall forthwith give notice diſtinctly to the inhabitants of the ſame in ſome publick aſſembly, or by going and ſending from houſe to houſe, that at a place or time by him or them limited and ſett, they meet and aſſemble themſelves together to elect and chooſe certain deputies to be at the General Court then following, to agitate the affairs of the Commonwealth, which ſaid deputies ſhall be choſen by all that are admitted inhabitants in the ſeveral townes, and have taken the oath of Fidelity: Provided that none be choſen deputy for any General Court which is not a Freeman of this Commonwealth. The aforeſaid deputies ſhall be choſen in manner following, viz. Every perſon that is preſent and qualified as before expreſſed ſhall bring the names of ſuch written on ſeveral papers as they deſire to have choſen for that employment; and thoſe three or four, more or leſs, being the number agreed on to be choſen for that time that have greateſt number of papers written for them ſhall be deputies for that court; whoſe names ſhall be endorſed on the backſide of the Warrant, and returned unto the Court with the conſtable or conſtables hand unto the ſame.

VIII. It is ordered, ſentenced, and decreed, that Winſor, Hartford, and Weathersfield ſhall have power each town to ſend four of their Freemen as their deputies to every General Court; and whatſoever other towns ſhall be hereafter added to their juriſdiction, they ſhall ſend ſo many deputies as the court ſhall judge meet, a

reaſonable proportion to the number of Freemen that are in ſaid towns being to be attended therein; which deputies ſhall have the power of the whole town to give their votes and allowance to all ſuch laws and orders as may be for the public good and unto which the ſaid towns are to be bound.

IX. It is ordered and decreed that the deputies thus choſen ſhall have power and liberty to appoint a time and place of meeting together before any General Court, to adviſe and conſult of all ſuch things as may concern the good of the publick, as alſo to examine their own elections whether according to the order, and if they or the greater part of them find any elections to be illegal, they may ſeclude ſuch for the preſent from their meeting, and return the ſame and their reaſons to the Court; and if it prove true, the Court may fine the party or parties ſo intruding upon the town if they ſee cauſe, and give out a Warrant to go to a new Election in a legal way, either in whole or in part. Alſo the ſaid deputies ſhall have power to fine any that ſhall be diſorderly at their meetings, or for not coming in due time or place according to appointment, and they may return ſaid fines into the Court (if it be refuſed to be paid) and the Treaſurer to take notice of it, and to eſtreat or levy the ſame as he doth other Fines.

X. It is ordered, ſentenced, and decreed, that every General Court, (except ſuch as through neglect of the Governour and the greateſt part of the Magiſtrates, the Freemen themſelves do call) ſhall conſiſt of the Governour or ſome one choſen to moderate the Court, and four other Magiſtrates at leaſt, with the major part of the deputies of the ſeveral towns legally choſen: and in caſe the Freemen or the major part of them, through neglect or refuſal of the Governour and major part of the magiſtrates ſhall call a Court, that ſhall conſiſt of the major part of the Freemen that are preſent or their deputies, with a Moderator choſen by them. In which ſaid General Court ſhall conſiſt the ſupream power of the Commonwealth, and they only ſhall have power to make laws and repeal them,—to grant leave to admitt of Freemen,—diſpoſe of lands undiſpoſed of to ſeveral towns or perſons, and alſo ſhall have power to call other Courts or Magiſtrates or any other perſon whatſoever into queſtion for any Miſdemeanour, and may for juſt cauſes diſplace, or deal otherways according to the nature of the offence; and alſo may deal in any other matter that concern the good of this Commonwealth, except Election of Magiſtrates, which ſhall be done by the whole body of Freemen: In which Courts the Governour or Moderator ſhall have power to order the Court, to give liberty of ſpeech, and ſilence unreaſonable and diſorderly ſpeaking:—to put all things to vote, and in caſe the vote be equal, to have a caſting vote; but none of theſe courts ſhall be adjourned or diſſolved without the conſent of the major part of the Court.

XI. It is ordered, ſentenced, and agreed, that when any General Court upon the occaſions of the Commonwealth have agreed upon any ſum or ſums of money to be levied

levied upon the ſeveral towns within this juriſdiction, that a Committee be choſen to ſett out and appoint what ſhall be the proportion of every town to pay off the ſaid levy; provided the Committee be made up of an equal number out of each town.

January 14th 1638.

The Eleven Orders aboveſaid are voted.

The GRAND ENQUEST'S [*of* NEW-PLYMOUTH] *Inquerie, March* 5. 1638.

[Plymouth Records.]

I. WEE deſire to be informed by what vertue and power the Governor and Aſſiſtants doe give and diſpoſe of lande, either to particular perſons or Townеſhips and Plantacons.

II. Wee further deſire to be informed what lands are to be had or is reſerved for the purchaſers as hath beene formerly agreed in Court too.

III. Wee further deſire to be informed of the vndertakers of the trade what wilbe allowed to the Colony for the vſe of the ſaid trade during the years paſt.

IV. Wee further deſire to be informed, why there is not a Treaſurer choſen for this yeare, as other officers, ſeeing by an order in Court there ſhould be yearely one choſen to take vp the fynes and moneys within the whole Colony.

Pro RICHARDO MORISON.

[Rymer, Vol. XX. P. 306. A. D. 1638.]

REX, viceſimo nono die *Martii*, concedit *Richardo Moriſon* Armigero, Officium Capitanei ſive Cuſtodis Caſtri ſive Propugnaculi de *Point Comfort* infra Dominium de *Virginia*, durante bene-placito in Reverſione.

P. S.

GRANT *of the Province of* MAIN *to* SIR FERDINANDO GORGES, *April* 3, 1639.

[*N. B. The Words at the bottom of the Pages in which this Grant is contained, are not in the Records, but are taken from a Copy ſent from the Rolls Office in England, which is atteſted by*

HENRY ROOK,

Clerk of the Rolls.]

[Records of Inferior Court of York County Maſſachuſetts.]

CHARLES by the grace of God King of England Scotland France and Ireland Defender of the faith &c. To all to whome theſe preſents ſhall come greetinge Whereas Sir Ferdinando Georges, Knight, hath bin an humble ſuitor vnto vs to grante and confirme vnto him and his heirs, a parte and portion of the Country of America, nowe comonly called or knowne by the name of New England in America, in theſe preſents hereafter deſcribed by the Mettes and Bounds thereof, with divers and ſundry priviledges and juriſdicons for the welfare and good of the State of thoſe Colonies that ſhalbe drawne thither, and for the better government of the people that ſhall * inhabite within the limitts and precincts thereof; which parte and porcon of the ſaid Country Wee have heretofore amongſt other thinges for us our heirs and ſucceſſors taken into our actuall and real poſſeſſion, and in defaulte of ſuch actuall and real poſſeſſion formerly taken, Wee doe by theſe preſents, for vs our heirs and ſucceſſors take the ſame into our actuall and reall poſſeſſion Know yee, therfore, that of our ſpeciall grace, certaine knowledge and mere mocon Wee have given, graunted, and confirmed, and by theſe preſents for vs our heirs and ſucceſſors, doe give, graunte and confirme vnto the ſaide Sir Ferdinando Georges, his heirs and aſſignes, all that parte, purparte and portion of the maine land of New England aforeſaid, begining at the entrance Paſcataway harbor, and ſoe to paſſe vp the ſame into the River Newichawocke, and through the ſame into the fartherſt head thereof; and from thence northweſtwards till on hundered and twentie milles bee finiſhed, and from Paſcataway harbor mouth aforeſaid North Eaſtwards along the ſea coaſt to Sagedehadocke, and vp the River thereof to Knybecky River; and through the ſame to the heade thereof, and vnto the land Northweſtwarde, vntill one hundred and twentie milles be ended, being accounted from the mouth of Sagedehadocke, and from

* *Live and*, Rolls Office Copy.

from the period of one hundered and twentie milles aforesaid, to crosse over land to the hundered and twentie milles end formerly reconed vp into the land from Pascataway harbor through Newichawocke River; and alsoe the North halfe of the Illes of Shoals, together with the Illes of Capawock and Nautican nere Capocod; as also all the Islands and Illets lyenge within fiue leagues of the Maine, all along the said Coasts betweene the said Rivers of Pascataway and Sagedehadocke, with all the Creeks, havens and harbors therevnto belonginge and the revercon and revercons, remainder and remainders, of all and singuler the said lands, rivers and premisses; all which said parte purparte, or portion of the saide maine lande, and all and every the premisses herein before named, Wee doe for vs our heirs and successors create and incorporate into one Province or County; and Wee do name, ordeyne and apointe that the portion of the maine land and premisses aforesaid, shall for ever hereafter be called the Province or Countie of Maine, and not by any other name or names whatsoever; with all and singuler the soyles and grounds therof, aswell drye as covered with waters, and all waters, ports, havens and creeks of the sea and inletts of the Province of Maine and premisses, or to them or any of them belonging or adjacent, as alsoe all woods, trees, lakes and rivers within the said Province of Maine and premisses or limitts of the same, together with the fishings of what kindes soever, aswell pearles as fish as Whales, Sturgeons, or any other either in the sea or Ryvers; and alsoe all Royalties of haukeing, hunteinge, fowleing, warren and chases within the said province of Maine and premisses aforesaide, Deer of all sorts, and all other beasts and fowles of Warren and Chase, and all other beasts there; and alsoe all mynes and oare of Gould, silver, prectious stones, tinne, lead, copper, sulphure, brimstone, or any other mettall or Minerall matter whatsoever within the said Province or premisses or any of them opened or hidden, and all † narrice there, and all gould ‡ pearple, siluer, pretious stones, and ambergreece which shalbe found in the said province and Premisses, or any of them, and the lymitts and coasts of the same, or any of them, or any parte of them, or any of them, and all and singular other profitts, benefitts and comodities groweing, comeing, accrewinge, or hapeninge or to be had, perceaved or taken within the said Province and premisses, limitts and coasts of the same, or any of them; and alsoe all patronadges and advowsons, free disposicons and donacons of all and every such Churches and Chappeles as shall be made and erected within the said Province and premisses or any of them, with full pouer, licence and authority to build and erect, or cause to be built and erected, soe many Churches and Chappelles there, as to the said Sir Ferdinando Georges, his heirs and assignes shall seeme meete and convenient, and to dedicate and consecrate the same, or cause

† Quarries. ‡ Pearl

the ſame to be dedicated and conſecrated according to the eccleſiaſticall lawes of this our realme of England; together with all and ſinguler, and as large and ample rights, juriſdicons, priviledges, prerogatives, royallties, liberties, imunities, fraũnchiſſes and hereditaments, aſwell by ſea as by land within the ſaid Province and premiſſes and the precincts and coaſts of the ſame, or any of them, or within the ſeas belonging or adjacent to them *, as the Biſhop of Durham within the Biſhopricke or Countie Palatine of Dureſſme in our Kingdome of England, now hath, vſeth, or inioyeth, or of right ought to have, vſe, and inioy within the ſaid Countie Palatine, as if the ſame were herin perticularly menconed and expreſſed, To have and to hould, poſeſſe, and inioy the ſaid Province and premiſſes, and every of them, and all and ſinguler other the premiſſes before † graunted or menconed and intended to be graunted, with theire and every of theire rights, members, and appurtenances vnto the ſaid Sir Ferdinando Georges, his heirs and aſſigns, and to the ſole only vſe of the ſaid Sir Ferdinando Georges, his heirs and aſſigns for ever; to be houlden of vs our heirs and ſucceſſors as of the mannor of Eaſt Greenwich in the Countie of Kent by fealty only in free and comon Socage and not in Capite nor in Knight's ſervice, for all manner of ſervices whatſoever, yeelding and paying therefore yearly to us, our heirs and ſucceſſors, one quarter of wheate, and alſo yeelding and paying to vs our heirs and ſucceſſors, the fift part of the cleare yearly profit of ‡ our royall mines of gould and ſiluer, that from time to tyme, and at all tymes hereafter, ſhalbe there gotten and obteyned ‖, and the fift parte of all gould § found upon the ſea ſhore or in Rivers or elſe where, within the bounds and limitts of the ſaid Province and premiſſes, and the fift parte of the cleare yearly profit of pearle fiſhings; and Wee doe for vs our heires and ſucceſſors, further graunte vnto the ſaid Sir Ferdinando Georges, his heirs and aſſignes for ever, all treaſure troues, goods and chattels of fellons and fellons ** themſelves, waives, eſtraies, piratts goods, deodans, fines and amerciaments of all the inhabitants and others hapeninge, growing, or ariſing in the ſaid Province, and other the premiſſes, or in any parte thereof, or in any voiadge or paſſedge to or from the ſame, aſwell for offences comitted againſt †† ourſelves, our heirs and ſucceſſors or thinges concerning ‡‡ our ſelues, our heirs and ſucceſſors or our profitt, as againſt others, or things concerning others, or the profitt of others; and all and all manner of wracks of ſhipps or merchandize, and all that which to wracks belongeth by what meanes ſoever hapening within or vpon the havens, creeks, coaſts or ſhoares of the premiſſes, or any part thereof: And Wee doe for vs our heires

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* or any of them. † by theſe preſents. ‡ all.

‖ The Copy from the Rolls Office in England, has an addition here of theſe words *if any ſuch ſhall be there found.*

§ Copy above, *and Silver.*

** Copy above Felons *of* themſelves. †† our ſelfe. ‡‡ our ſelfe.

heirs and ſucceſſors, create, ordaine and conſtitute the ſaid Ferdinando Georges, his heires and aſſignes, the true and abſolute Lords and proprietors of all and every the aforeſaid Province of Maine and premiſſes aforeſaid, and all and every the limitts and coaſts therof, ſaving alwayes the faith and alleageance, and the ſupreame dominion due to us, our heirs and ſucceſſors; and for the better government of ſuch our ſubjects and others, as ſhall at any time hapen to dwell or reſide within the ſaid Province or premiſſes, or paſſe to or from the ſame, our will and pleaſure is that the religion now profeſſed in the Church of England, and eccleſiaſticall government now vſed in the ſame, ſhall be ever hereafter profeſſed, and with as much convenient ſpeed as may bee ſettled and eſtabliſhed in and throughout the ſaid Province and premiſſes, and every of them; and wee doe for us our heirs and ſucceſſors, * give and graunte vnto the ſaide Sir Ferdinando Georges, his heirs and aſſignes, power and authoritie, with the aſſent of the greater parte of the freeholders of the ſaid Province and premiſſes for the time being, when there ſhalbe any † to be called therunto from time to time, when and as often as ſhall be requiſite to make and ordeyne and publiſh lawes, ordinances and conſtitucons, reaſonable and not repugnant and contrary, but agreable as nere as conveniently may bee, to the lawes of England for the publique good of the ſaid Province and premiſſes, and of the inhabitants therof, by inpoſing of penalties, impriſonment or other corections or if the offence ſhall requier by taking away of life or member, the ſaid lawes and conſtitucons to extend aſwell to ſuch as ſhalbe paſſing vnto or returning from the ſaid Province or premiſſes as vnto the inhabitants or reſidents of or within the ſame, and the ſame to be put in execucon by the ſaid Sir Ferdinando Georges, his heirs or aſſignes, or by his or there depputies, liftenaunts, judges, officers or miniſters in that behalfe, lawfully authoriſed, and the ſame lawes ordinances and conſtiucons, or any of them, to alter, change, and revoke, or to make voide and to make new, not repugnant nor contrary, but agreable as nere as may bee to the lawes of England as the ſaid Sir Ferdinando Georges his heires and aſſignes, together with the ſaid freehoulders, or the greater part of them for the time being, ſhall from time to time thinke fitt and convenient: And wee doe further by theſe preſents for vs our heires and ſucceſſors, give and graunt vnto the ſaid Sir Ferdinando Georges his heires and aſſignes, full power and authoritie, and that it ſhall and may be lawfull to and for him the ſaid Sir Ferdinando Georges, his heires and aſſignes, to erect courts of juſtice, aſwell eccleſiaſticall as civill and temporall whatſoever, and to apoint and conſtitute from tyme ‡ judges, juſtices, majiſtrates, officers, aſwell of the ſaid courts and courts of juſtice as otherwiſe, as well by ſea as by land, for the hearing and determining of all manner of cauſes whatſoever within and

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* By theſe preſents. † Who are. ‡ Copy above *from time to time*.

and concerning the Province and premiſſes, or any of them, or the inhabitants and reſidents there, and paſſengers to and from the ſame as well by land as by ſea, and to order and apoint what matters and thinges ſhalbe heard, determined, done, or ordered in any of the ſaid courts, or by any of the ſaid judges, magiſtrates and officers, with ſuch power and ſuch forms as it ſhall ſeeme good to the ſaid Sir Ferdinando Georges, his heires or aſſignes; and the ſaid judges, juſtices, magiſtrates and officers, and every or any of them, from time to time, to diſplace and remove when the ſaid Sir Ferdinando Georges, his heires or aſſignes ſhall thinke fitt, and to place others in their roomes and ſtead; and that the inhabitants and reſidents within the ſaid Province and premiſſes, and paſſengers to and from the ſame, may within fortie dayes after ſentence given in the ſaid courts, where appeales in like courtes within this kingdome are admitted, appeale to the ſaid Sir Ferdinando * his heires or aſſignes or † their generall governour or chiefe deputie of the ſaid Province or premiſſes for the time being, to whome Wee doe by theſe preſents, for vs our heirs and ſucceſſors, give full power and authoritie, to proceed in ſuch appeales as in like caſes of appeale within this our realme of England: And Wee doe further for vs our heirs and ſucceſſors, giue and graunte vnto the ſaid Sir Ferdinando Georges his heires and aſſignes, full power and authoritie to pardon, remit, and releaſe all offences and offendors within the ſaid province and premiſſes, againſt all, every, or any of the ſaid lawes, ordinances, and conſtitucons, and to do all and ſinguler other things vnto the execucon of juſtice appertaining in any courte of juſtice according to to the forme and manner ‡ in ſuch courts to be vſed, although in theſe our Letters Pattents there be no particuler mention of the ſame: But Wee doe nevertheleſſe hereby ſignify ‖ our will and pleaſure to be, that the powers and authorities hereby given to the ſaid Sir Ferdinando Georges, his heires, and aſſignes, for and concerning the gouernment, both Eccleſiaſticall and Civill, within the ſaid province and premiſſes, ſhalbe ſubordinate and ſubiect to the power and regement of the Lords and others Commiſſioners here for foraigne Plantations for the time being; but for all whatſoever doth, ſhall, or may concerne the proprietie of the ſaid province, partes, and coaſts of the ſame, or any of them, or any ownerſhip § in any lands, tenements, or other hereditaments, goods or chattells, or the nominating or appointing any officer or officers, the ſame is left wholly to the ſaid Sir Ferdinando Georges, his heires and aſſignes, according to the tenor, intent, and true meaning of theſe preſents. And becauſe ſuch aſſemblies of freeholders for making of lawes cannot alwayes be ſo ſudenly called as there may bee occaſion to require the ſame, wee doe therefore for us, our heires

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* Sir Ferdinando *Georges* † his or ‡ mannder of *proceedings* in.
‖ and declare. § or Intereſt.

heires and ſucceſſors, give and graunte vnto the ſaid Sir Ferdinando Georges, his heires and aſſignes, full power and authoritie, that he the ſaid Sir Ferdinando Georges his heires and aſſignes, by him and themſelves, or by his or their deputies, magiſtrates and officers in that behaulfe belonging and lawfully conſtituted, ſhall or may from time to time, make and ordeyne fitt and wholſome ordinances within the province or premiſſes aforeſaid to be kept and eſtabliſhed, as well for the keeping of peace as for the better goverment of the people there abiding, or paſſing to and from the ſame, and to publiſh the ſame to all to whom it may appertaine or concerne: Which ordinances wee doe for vs, our heires and ſucceſſors, ſtraightly comande to be inviolably obſerved within the ſaid province and premiſſes, vnder the penalties therin expreſſed, ſoe as the ſame ordinances be reaſonable and not repugnant or contrary, but as * may be agreeable to the lawes and ſtatutes of our kingdome of England, and ſoe as the ſame ordinances doe not extend to the binding, chardging or takeing away of the right or intereſt of any perſon or perſons in their lives, members, freeholds, goods or chattells whatſover: And becauſe in a country ſo farre diſtant, and ſeated amongſt ſo many barbarous nations, the intruſions or invaſions, as well of the barbarous people as of pirats and other enemies may be iuſtly feared; Wee doe therefore for us, our heires and ſucceſſors, giue and graunte vnto the ſaid Sir Ferdinando Georges, his heires and aſſignes, full power and authoritie, that he the ſaid Sir Ferdinando Georges, his heires and aſſigns, aswell by him and themſelves, as by his and there deputies, captaines or other officers for the time being, ſhall or lawfully may muſter, leavy, rayſe, arme and imploy all perſon and perſons whatſoever inhabiting and reſidinge within the ſaid province or premiſſes for the reſiſting or withſtanding ſuch enemies or piratts both at land and at ſea, and ſuch enemies and pirats if occaſion ſhall requier to purſue and proſecute out of the limitts of the ſaid province or premiſſes, and them, if it ſhall ſoe pleaſe God, to vanquiſh, apprehend, and take; and being taken, either according to the law of armes to kill, or kepe and preſerve them at theire pleaſures; and likewiſe by force of armes to recover from any perſon or perſons, all ſuch territories, dominions†, places, goods, chattells, and wares, which herafter ſhalbe taken from the ſaid Sir Ferdinando Georges, his heires or aſſignes, or from his and theire deputies, officers, or ſaruants, or from any the planters, inhabitants, or reſidents ‡ within the ſaid province or premiſſes, or from any other members, aiders, or aſſiſters of the ſaid Sir Ferdinando Georges, his heires or aſſignes, or from any other the ſubjects of vs, our heires and ſucceſſors, or others in amitie with vs, our heires and ſucceſſors, in the ſaid province and premiſſes and coaſts, or any of them, or in theire paſſadge to and from the ſame. And wee doe further for vs, our heires and ſucceſſors, give and

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* near as † Land ‡ of or

and graunte vnto the ſaid Sir Ferdinando Georges, his heires and aſſignes, in caſe any rebellion, ſuden tumult, or mutiny ſhall hapen to ariſe either vpon the ſaid land within the ſaid province or premiſſes, or any of them, or coaſts of the ſame, or vpon the maine ſea in paſſing thither or returning from thence, or in any ſuch expedicon or ſervice as aforeſaid, it ſhall and may be lawful to and for the ſaid Sir Ferdinando Georges, his heires and aſſignes, aſwell by him and themſelves, as by his and theire deputies, captaines, and other officers vnder his or there ſeale in that behaulfe to be authorized, to whom Wee alſo for vs, our heires and ſucceſſors, do giue and graunte full power and authoritie to doe and execute the ſame, to vſe and execute martiall lawe againſt ſuch rebells, traitors, muttineers, and ſeditious perſons, in as ample manner and forme as any Captaine-Generall in the warres, or as any Leftenaunt or Leftenaunts of any countie within this our realme of England by vertue of his or theire office or place may or have ben accoſtomed in time of warr, rebellion, or mutning, to doe and performe. And Wee doe for vs, our heires and ſucceſſors, farther giue and graunte vnto the ſaid Sir Ferdinando Georges, his heires and aſſignes, and to all and every comander, gouernor, officer, miniſter, perſon and perſons which ſhall by the ſaid Sir Ferdinando Georges, his heires or aſſignes, be thereunto authoriſed or appointed, leave, licence, and power to erect, rayſe, and * builte, from time to tyme, in the province, teretory, and coaſts aforeſaide, and every or any of them, ſuch and ſoe many forts, fortreſſes, platforms, caſtells, citties, townes and viladges, and all fortificacons whatſoever, and the ſame and every of them to fortifie and furniſh with ordinances, men, powder, ſhot, armour, and all other weapons, municon, and habilliments of warr, both for defence and offence whatſoever, as to the ſaid Sir Ferdinando Georges, his heires and aſſignes, and every or any of them ſhall ſeeme meet and convenient; and likewiſe to comitt from time to time the goverment, cuſtody, and defence therof vnto ſuch perſon or perſons as to the ſaid Sir Ferdinando Georges, his heires and aſſignes, ſhall ſeem meet: And to the ſaid citties, boroughs, and townes, to graunt Letters or Charters of incorporacon, with all the liberties and things belonging to the ſame; and in the ſaid ſeverall citties, boroughs, and townes, to conſtitute ſuch and ſoe many marketts, martts, and fayres, and to graunt ſuch mete Tolles, cuſtomes, dutties, previledges and fredomes to and with the ſame, as to the ſaid Sir Ferdinando Georges, his heires or aſſignes, ſhall bee thought fitt. And for that Plantacons are ſubiect to divers difficulties and diſcomodities, therefore Wee favoring the preſent beginning of the ſaid Plantacon, and hauing a provident care that thoſe who are greiued in on thing may be releaved in another, doe of our ſpeciall grace, mere motion, and certaine knowledge, for vs, our heires and ſucceſſors, giue and graunte vnto

* build.

vnto the ſaid Sir Ferdinando Georges, his heires and aſſignes, and to all other our ſubiects the dwellers or inhabitants that ſhall at any time herafter be the planters of or in the ſaid province or any of the premiſſes, free lycence and liberty for the landing, bringing in, vnlading or otherwiſe diſpoſing of all the wares and merchandize, profitts and comodities of the ſaid province or any the premiſſes, both by ſea and by land, either by themſelues or their ſeruants, factors, or aſſignes, in any of the ports of vs, our heires and ſucceſſors, within our kingdome of England or Ireland, paying only ſuch cuſtomes, ſubſidies, and dutties as our naturall borne ſubiects of this our realme of England ſhall or ought to pay, and non other; And to haue and inioy all ſuch liberties, freedoms and previledges for and concerning the expoſting of the ſame againe without paying any mor coſtomes or duttyes, and for hauing againe of inpoſt in ſuch manner and in the like beneficiall ſorte as any of our naturall borne ſubiects of this our realme ſhall then haue and inioy: And wee doe for us, our heires and ſucceſſors, giue and graunte unto the ſaid Sir Ferdinando Georges, his heires and aſſignes, full and abſolute power and authoritie to make, erect, and apoint within the ſaid province and premiſſes, ſuch and ſo many ports, havens, creeks, and other places for the lading and vnlading of ſhipps, barques, and othere veſſells, and in ſuch and ſoe many places, and to apoint ſuch rights, juriſdicons, previledges and liberties vnto the ſaid ports and havens and creekes belonging, as to him or them ſhall ſeme meete; and that all and ſingular ſhippes, * barques, and other veſſells to be laden and unladen in any way of merchandize, ſhall be laden or vnladen at ſuch portes, havens, or creekes, ſoe by the ſaid Sir Ferdinando Georges, his heires or aſſignes, to be made, erected, and appointed, and not elſewhere within the ſaid province, premiſſes, and coaſts, and to apoint what reaſonable Tolles ſhalbe paide for the ſame; and the ſame Tolles to receaue, take, and inioy, to the behoofe of the ſaid Sir Ferdinando Georges, his heires and aſſignes, to his and there on vſe without accompt to be therof made to vs, our heires and ſucceſſors, any vſe, cuſtome, matter, or thing to the contrary therof notwithſtanding: Saving alwayes to all our ſubiects of our kingdome of England libertie of fiſhing, as well in the ſea as in the creeks of the ſaid province and premiſſes aforeſaid; and † dring of there fiſh, and dring of there netts a ſhoare of the ſaide province and any the premiſſes, any thing to the contrary therof notwithſtanding: which ſaid liberties and previlidges our pleaſure is, that the ſaide ſubiects of vs, our heires and ſucceſſors ſhall inioy without any noteable damage or injury to be done to the ſaide Sir Ferdinando Georges, his heires and aſſignes, or the inhabitants of the ſaid province, or in any of the premiſſes, or in any of the ports, creekes, ſhoares, aforeſaide, but chiefly in the woods there growing. And Wee doe further for vs,

* Hoys † The Priviledge of ſalting and

our heires and ſucceſſors, give and graunte vnto the ſaid Sir Ferdinando Georges, his heires and aſſignes, full power and authoritie to devide all or any parte of the teritories herby graunted or menconed to be graunted as aforeſaid into provinces, countties, citties, townes, hundreds, and pariſhes, or ſuch other part or portions as he or they ſhall thinke fitt; and in them and every or any of them to apoint and alot outt ſuch portions of land for publique vſes, Eccleſiaſticall and Temporall, of what kind ſoever, and to diſtribute, graunte, aſſigne, and ſett over ſuch perticuler portions of the ſaid teritories, countyes, lands and premiſſes, vnto ſuch our ſubiects or the ſubiects of any other prince or ſtate * in amity with vs, our heires or ſucceſſors, for ſuch eſtates and in ſuch manner and formes as to the ſaid Sir Ferdinando Georges, his heires or aſſignes, ſhall ſeme meet and convenient, and the ſaid perſon or perſons according to the ſaid eſtate and eſtates ſoe aſſigned and graunted, to have and inioy the ſame, and to make, erect, and ordaine in and uppon the ſaid province and premiſſes, or on and uppon any of them, or any partes or parcel of them, ſoe many ſeverall and diſtinct mannors as to the ſaid Sir Ferdinando Georges, his heires and aſſignes, from time to tyme ſhall ſeme meete

† manors to aſſigne lymitts

and to apoint ſoe much land diſtinctly and ſeverally for demeſen lands of the ſaid mannors and every of them as to the ſaid Sir Ferdinando Georges, his heires and aſſignes, ſhall and may ſeme neceſſary and fitt; and the ſaid mannors, or any of them, to call by ſuch name and names as the ſaid Sir Ferdinando Georges ‡ ſhall pleaſe; the ſaid mannors to be houlden of the ſaid Sir Ferdinando Georges, his heires or aſſignes, by ſuch rents and ſervices as to him or them ſhall ſeme meet: And alſo that the ſaid Sir Ferdinando Georges, his heires and aſſignes, ſhall and may at there pleaſure, graunt in freehould ſoe much of the ſaid demeſen lands, tenements, and hereditaments belonging or to be belonging vnto any of the ſaid mannors, to any perſon or perſons, their heires or aſſignes, for and vnder ſuch rents and ſervices as to the ſaid Sir Ferdinando Georges, his heires and aſſignes, ſhalbe thought fitt, to be houlden of the ſaide Sir Ferdinando Georges, his heires and aſſignes, as of the ſaid mannors or any of them reſpectively; the acte of parliament made and enacted in the eighteent yeare of King Edward the Firſt, commonly called Quia Emptores Terrarum, or any other ſtatute whatſoever, or any other matter or thing whatſoever to the contrary therof in any wiſe notwithſtanding: And that the ſaid Sir Ferdinando Georges, his heires and aſſignes, ſhall have, hould, and keepe within the ſaid ſeveral mannors ſoe to be made and erected ſuch and ſoe many courts, as well Courts Leites as Courts Barons, as to our lawes and ſtatutes of England ſhalbe agreeable. And Wee doe further

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* then † This part of the Record is not legible, but in the Copy before referred to the words which ought to fill up the blank are "*and to the ſame ſeveral*" ‡ his heirs and aſſigns

ther for vs, our heires and ſucceſſors, give and graunt vnto the ſaid Sir Ferdinando Georges, his heires and aſſignes for ever, all admirall rights, beneſitts, juriſdicons, and likewiſe all previledges and comodities to the ſaid admiral juriſdicon in any wiſe belonging or apperteyninge in or upon the ſeas, rivers, and coaſts of or belonging to the ſaid province and premiſſes, and every or any of them, or within twentie leagues adioining to the ſaid province or premiſſes or any of them, and in and vpon all other the creeks and rivers therof, and likewiſe power to heare and determine all manner of pleas for and concerning the ſame: Saving alwayes to vs, our heires and ſucceſſors, and to the lord high admirall of England for the tyme being of vs, our heires and ſucceſſors, all and all manner of juriſdicons, rights, powers, benefits and authorities whatſoever, incident or belonging to the ſaid office of high admirall, which it ſhall and may be lawfull from tyme to tyme to vs, our heires and ſucceſſors, or to the lord high admirall of England for the time being to have, vſe, and exerciſe within the ſaid province and premiſſes, and the ſeas and rivers therof, or within twentie leagues of the ſame as aforeſaid, when Wee ſhall thinke fitt. And Wee doe further for vs, our heires and ſucceſſors, give and graunte vnto the ſaid Sir Ferdinando Georges, his heires and aſſignes, full power and authoritie at any time or tymes hereafter, by him and themſelves, or by his and their deputies to adminiſter reaſonable oathes to all judges, juſtices, magiſtrates and other officers whatſoever, by the ſaid Sir Ferdinando Georges, his heires and aſſignes, or * there deputies, to be elected at the election of them to there ſeverall offices and places, or within time convenient after: And alſoe that he the ſaid Sir Ferdinando Georges, his heires and aſſignes, ſhall have full power and authoritie, as well by him or themſelves as by † there deputies or other cheife magiſtrats or officers by him or them in that behaulfe to be apointed to give and adminiſter reaſonable oathes to all or any perſon or perſons of what degree or qualitie ſoever imployed or to be inployed in or about the ſaid province, premiſſes, and teretores aforeſaid, or any of them, or in or about the coaſts of the ſame; and likewiſe to all or any inhabitant and others that ſhalbe and remaine within the ſaid province and premiſſes, or any of them, for the true and faithful execucon and performance of there ſeverall chardges and places, as for the examinacon and clearinge of the truth, and likewiſe for the informacon and better direction of his and there iudgments in any cauſe or matter whatſoever and concerning the ſaid Sir Ferdinando Georges, his heires or aſſignes, and any member, inhabitant, or perſon belonginge or repairing to the ſaid province and premiſſes, or any of them or any parte of them; and in all accons, cauſes, ſuits and debates there to be begune and proſecutted as the nature of the cauſe ſhall require. And further of our more eſpeciall grace, mere motion, and certaine knowledge, Wee doe herby for

* his or † his or

vs, our heires and ſucceſſors, graunte vnto the ſaid Sir Ferdinando Georges, his heires and aſſignes, that it ſhall and may bee lawfull to and for the ſaid Sir Ferdinando Georges, his heires and aſſignes, and every of them, from time to time, to ſet to ſea ſuch and ſoe many ſhipps, pinaces, barques, boates, and other veſſells as ſhalbe thought fitt by the ſaid Sir Ferdinando Georges, his heires and aſſignes, prepared and furniſhed with ordinaunce, artillerie, powder, ſhot, victualls, ammmunicon, or other weapons and habiliments of warre, aſwell invaſive as defenſive, in warlike manner or otherwiſe and with ſuch number of men women and children as the ſaid Sir Ferdinando Georges his heires and aſſignes ſhall thinke fitt in ſuch voiadges into the ſaid iſlands and places or any parts thereof aſwell for the plantacon and for forticacon as otherwiſe and that theſe preſents ſhalbe a ſufficient licence and warrant for any perſon or perſons that ſhalbe by him or them ſent and employed thither to goe beyond the ſeas and in that manner ſoe as the perſons ſoe to be ſhiped ſent and tranſported as aforeſaid be not ſuch as are or for the time being, ſhalbe prohibited by proclamation of vs, our heires and ſucceſſors, or by any order or orders of the lords and others commiſſioners for foraigne Plantacons for the time beinge. And Wee doe further for vs, our heires and ſucceſſors, further covenant and graunte to and with the ſaid Sir Ferdinando Georges, his heires and aſſignes, that only he the ſaid Sir Ferdinando Georges, his heires and aſſignes, and his and there factors, agents, and ſuch as ſhalbe imployed, ſent, licenced or allowed by him or them, and noe other perſon or perſons whatſoever (except before excepted) ſhall repaire or goe into the ſaid province of Maine and premiſſes aforeſaid, and the places within the limitts and coaſts therof, or any of them, to dwell, inhabite, and abide there nor have uſe or inioy there the liberties vſe and priuiledges of trade and traffique unto in or from the ſaid Province and premiſſes, or any of them, or buying ſelling, bartering or exchanging for or with any wares goods or merchandizes there whatſoever, and likewiſe that it ſhall and may be lawful to and for the ſaid Sir Ferdinando Georges, his heirs and aſſignes, and for all and every other perſon and perſons that ſhall be licenced or allowed by the ſaid Sir Ferdinando Georges, his heires or aſſignes, from henceforth and at all times and from time to time, after the date of theſe our Letters Patents, according to the orders and conſtitucons of the ſaid Sir Ferdinando Georges, his heires and aſſignes, not being repugnant to our proclamacons and orders of the Lords and others our comiſſioners aforeſaide, to take convey carry and tranſporte for and towards the Plantacon of the ſaid Province and premiſſes or any of them, or to be vſed there or in the paſſadge thether or returning thence; and there to leave, abide and inhabite all ſuch and ſoe many of our loving ſubiects or any other ſtraungers that will become our ſubiects and live vnder our allegance, as ſhall willinglie tranſport themſelves or be tranſported theither, and that ſuch our ſubiects or ſtraungers may together with

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there perſons, ſend carry or convay thither, aſwell ſhipping armour weapons, * municon, powder, ſhote andhabilleme nts of warr as victualls canvis linen woolen cloth tooles implements furniture ſwine and pullen goods wares merchandize of all kinds and ſorts whatſoever, fitt and neceſſary for the food and livelihood, habitacon, aparell or defence of our ſubiects which ſhall there inhabite or bee, and all other wares merchandize goods whatſoever, not prohibited by the lawes and ſtatutes of our kingdome, paying cuſtome and other dutties as other our ſubiects doe in ſuch caſes, And of our further royall favour Wee have graunted and by theſe preſents for us our heires and ſucceſſors Wee doe graunte to the ſaid Sir Ferdinando Georges, his heires and aſſignes, that the aforeſaid Province, rivers and places hereby before menconed to be graunted or any of them, ſhall not be traded in or vnto, nor inhabited by any of the ſubjects of vs our heirs and ſucceſſors without the ſpeciall licence of the ſaid Sir Ferdinando Georges, his heirs and aſſignes and therfor Wee doe herby for vs our heirs and ſucceſſors further chardge and comand, prohibit and forbide all the ſubiects of vs our heires and ſucceſſors of what degree, qualitie, condicon ſoever they may be, that none of them directie or indirectlie preſume to trade or adventure to traffique in or *habite* from nor to inhabite or † *habite* in the ſaid Province of Maine iſlands dominiones places herby menconed or intended to be graunted, or any of them, other then the ſaid Sir Ferdinando Georges, his heirs and aſſignes, and his and their deputies and factors, unleſs it be with the licence and conſent of the ſaid Sir Ferdinando Georges, his heirs and aſſignes, firſt had and obteyned in that behalfe ‡ vnder his or theire hands and ſeals, vnder payne of our indignacon and alſo of ſuch penalties and puniſhments as by the lawes and ordinances of the ſaid Sir Ferdinando Georges, his heirs and aſſignes to be made in that behalfe, ſhalbe apointed; and wee do further for vs our heires and ſucceſſors graunte vnto the ſaid Sir Ferdinando Georges, his heirs and aſſignes, that all and every the perſons being the ſubiects of us our heires and ſucceſſors which ſhall goe and inhabite within the ſaid Province and premiſſes or any of them, and all and every the poſteritie, and children deſcending of Engliſh, Scottiſh or Iriſh parents, which ſhall hapen to be borne within the ſame or upon the ſeas in paſſing theither or from thence, and from hencforth ought to bee and ſhalbe reputed and taken to bee of the allegance of vs our heirs and ſucceſſors § and ſhall be able to plead and be impleaded, ſhall have power and be able to take by a diſcent purchaſe or otherwiſe, lands tenements or hereditaments and ſhall have and inioy all liberties, franchiſes and imunities of or belonging to the naturall borne ſubiects of this our kingdome of England, within this our kingdome and within all other our dominions to all intents and

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* Ordnance † abide ‡ in writing § and ſhall be for ever hereafter eſteemed to be the natural born ſubjects of us, our heirs and ſucceſſors,

and purpoſes as if they had bin abiding and borne within this our kingdome or any other of our dominions: And wee do further for vs our heires and ſucceſſors, give full power and authoritie vnto the ſaid Sir Ferdinando Georges, his heires and aſſignes, or any perſon or perſons to be thereunto nominated by the ſaid Sir Ferdinando Georges his heirs and aſſignes, to give and adminiſter oaths of ſupremacy and allegeaunce accórding to the formes now eſtabliſhed within this our realme of England, to all and every ſuch perſon and perſons as they ſhall thinke fitt, that ſhall at any time or tymes goe or paſſe into the ſaid Province and premiſſes or any of them, or ſhalbe reſident or abiding there. And our further will and pleaſure is, and Wee doe by theſe preſents for vs our heirs and ſucceſſors, covenant and graunte to and with the ſaid Sir Ferdinando Georges, his heirs and aſſignes, that if the ſaid Sir Ferdinando Georges, his heirs or aſſignes, ſhall at any time or tymes hereafter, vpon any doubt which he or they ſhall conceave concerning the valeditie and ſtrength of this our preſent graunte be deſirous to renew the ſame frome vs our heirs or ſucceſſors with amendment of any ſuch inperfecons and defects as ſhall appeare fitt and neceſſary to be reformed by vs our heires and ſucceſſors, that then vpon the humble peticonof the ſaid Sir Ferdinando Georges, his heires and aſſignes, ſuch further and better aſſurance of all and ſinguler the premiſſes before graunted or menconed and intended to be graunted according to the true mening of theſe our Letters Patent, ſhall from time to time by us our heires and ſucceſſors be made and graunted vnto the ſaid Sir Ferdinando Georges, his heires and aſſignes, as by the atturney-generall of vs our heirs and ſucceſſors for the time being and the learned counſell of the ſaid Sir Ferdinando Georges his heirs and aſſignes ſhalbe in that behalfe reaſonably deviſed or adviſed; and further Wee doe hereby for vs our heires and ſucceſſors, chardge and comaund, all and ſinguler admiralls, vice-admiralls, generalls, comanderes, captaines, juſtices of peace, maijors, ſheriffes, ballifes, conſtables, cuſtomeres, comptrolleres, collectors, waitters, ſearcheres, and all other the officeres and miniſters of vs, our heires and ſucceſſors whatſoever, aſwell * as hereafter for the time being, to be from time to tyme in all things aiding and aſſiſting unto the ſaid Sir Ferdinando Georges, his heires and aſſignes, and to his and there officeres, factors and agents, and to every or any of them vpon requeſt made as they tender our pleaſure and will avoide the contrary at their perilles: And wee doe will, and further for vs our heires and ſucceſſors doe declare and ordyne, that the ſaid Province and premiſſes ſhalbe imediately ſubiect to our crown of England, and dependant vpon the ſame for ever; and further Wee will and by theſe preſents for us our heires and ſucceſſors, doe graunte to the ſaid Sir Ferdinando Georges, his heires and aſſignes, that theſe our Letters Patents, or the inrollment of them ſhalbe in all thinges, and to all intents and purpoſes, firme, good

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good, effectuall and ſuficient in law againſt vs, our heires and ſucceſſors, aſwell in all courts as elſewhere, within our kingdome of England, or any other our kingdomes or dominiones as in the ſaid Province and premiſſes aforeſaid, or any of them, and ſhalbe conſtrued, reputed and taken, aſwell according to the true meaning and intent, as to the words of the ſame, moſt benignely, favorably and beneficially, to and for the ſaid Sir Ferdinando Georges, his heires and aſſignes, no interpretation being made of any worde or ſentence, wherby God's word, true chriſtian religion now taught, profeſſed and maintained, the fundamentall lawes of this realme or our allegaunce to vs our heires and ſucceſſors may ſuffer preiudice or diminucon any omiſſion miſinformacon, want of certaine expreſſion of the contents limitts and bounds, or the certaine ſituacon of the ſaid Province and premiſſes aforeſaid, herby meant or intended to be graunted, or in what latitude or degree, the ſame are * or any law ſtatute or other cauſe or matter to the contrary notwithſtanding: And although expreſſe mencon be not made of the true yearly value or certaintie of the premiſſes or any of them, and notwithſtanding any miſnaming, and not certaine and perticuler naming of the ſaid Province, places, lands, teretories, heriditaments and premiſſes whatſoever before by theſe preſents given, graunted, confirmed, menconed and intended to be graunted and confirmed, or any parte therof, or the miſnaming or not naming, or not rightlie naminge of the degrees or coaſts, wherin or whereupon the ſame or any of them doe lye or any acte of parliment, ſtatute, ordinance, proclamacon or reſtraint hertofore made, ordyned or provided, or any other thinge, cauſe or matter, to the contrary notwithſtanding: Neverthelefſe our intent and meaning is, that out of the premiſſes herby graunted or menconed to be graunted, there ſhalbe alwaies ſaved and reſerved to all and every ſuch perſon and perſons as have or hath any lawfull graunte, or graunts of lands, or plantacons lawfully ſetled in the deviſion and premiſſes aforeſaid, the free houlding and inioying of his and there right, with the liberties therunto appertaining, hee and they relinquiſhing and laying downe his and theire Jura Regalia, if he or they have any to the ſaid Sir Ferdinando Georges, his heires and aſſignes, whome Wee have herby made proprietor of the Province, diviſion and premiſſes aforeſaid, and paing ſome ſmall acknowledgement to the ſaid Sir Ferdinando Georges, his heires and aſſignes †. In witnes wherof wee have cauſed theſe our Letteres to be made Pattents. Witnes our ſelfe at Weſtminſter the third day of Aprill, in the feftenth yeare of our raigne.

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* or any Defect in theſe preſents.

† In the Copy from the Rolls Office the following Words are added; "*for that he or they are now to hold their Lands anew of the ſaid Sir Ferdinando Georges, his heirs and aſſigns.*"

GENERAL

GENERAL *Court's Anſwer to the Grand Jury's Enquiries of March 5th*, 1638.

[Plymouth Records Lib. B. Fo. 57.]

At a General Court 3 *May* 1639.

WHEREAS vpon a propoſicon made by the Grand Inqueſt at the General Court held the fift day of March 1638 by what virtue and power the Governor and Aſſiſtants doe give and diſpoſe of lands either to particular perſons or Townеſhipps and plantacons whereupon ever ſince there hath beene a Ceſſacon of the graunt of lands to any perſons by the Government And now upon heareing and debateing the controverſies matters and differences about and concerning the ſame in the publicke Court And whereas there was a large ſume of money diſburſed by thoſe that held the trade viz. Mr Bradford Mr Prence Captaine Standiſh and the reſt of their partners for the enlargement of the Patent of New-Plymouth in New England In conſideracon that all controuerſies and differences about the ſame may hereafter ceaſe and determine whether betivixt the Purchaſers, Old commers, Freemen or others about the ſame TheCourt hath by mutual aſſent and conſent of all aſwell Purchaſers Old Commers as freemen enacted and concluded that there ſhalbe three hundred pounds ſterling (or ſo much as ſhalbe required not exceeding the ſaid ſum of three hundred Pounds) paid to thoſe that hold the trade viz. Mr. Bradford Mr. Prence Captain Standiſh, and the reſt of the Partners towards the charges of the enlargement of the ſaid Patent if the ſame ſhalbe required out of the perſonal Eſtats of the ſaid Mr Bradford Mr Prence Captain Standiſh and the reſt of the partners which ſaid three hundred pounds or leſſer ſume ſhall be levyed upon the Plantacon by ſuch equall way as ſhalbe thought meet And that the purchaſers or Old Commers ſhall make choyce of two or three places for themſelves and their heires before the next December Court, and that after ſuch choyce is made and eſtabliſhed all the reſidue of the lands not formerly graunted forth either to plantacons or particular perſons ſhalbe aſſigned and ſurrendered into the hands of the whole body of the Freemen to be diſpoſed of either by the whole Body or by ſuch perſons as ſhalbe by the whole Body of Freemen aſſigned and authorized And that all lands already graunted either to plantacons or particular perſons ſhall ſtand and remayne firme to them their heires and aſſignes forever to whom they are ſo given and graunted. Prouided that all lands ſhalbe now free to graunt to ſuch perſons as ſtand in neede in the Plantacons now made ſave that there ſhalbe no more plantacons erected until the purchaſers have made

made their choyce as aforeſaid. And whatſoever ſhalbe further materiall and requiſite in law for the confirmeing and eſtabliſhing that act and order It ſhalbe done by Counſell to the intents and purpoſes herein contained and expreſſed if neede require.

ABSTRACT *of a Conveyance of Lands at* PAGISCOTT.

[Maſſachuſetts Records.]

"THE 22d Day of the 5th Month Anno 1639—Thomas Purchaſe of Pagiſcott —for divers good Cauſes and Conſiderations—grants to John Winthrop and his Succeſſors the Governor and Company of the Maſſachuſetts forever, All that Tract of Land at Pagiſcott aforeſaid upon both Sides of the River of Androſcoggin being 4 miles ſquare towards the Sea; with all Liberties and Previledges thereunto belonging, ſo as they may plant the ſame with an Engliſh Colony when they ſhall ſee fitt, and ſhall have as full Power forever to exerciſe Juriſdiction there, as they have in the Maſſachuſetts: Provided that the Intereſt and Poſſeſſion of ſuch Lands as the ſaid Thomas now uſe or ſhall make uſe of for his own Stock and Improvement within ſeven years next enſuing the Date hereof, ſhall be and remain to the ſaid Thomas, and his heires and aſſignes for ever under the Juriſdiction aforeſaid; And as well the ſaid Thomas himſelf, and his Family and his heires and Aſſignes, as all other the Inhabitants upon the ſaid Lands are for ever to be under the due protection of the ſaid Governor and Company by order of the General Court, as other Inhabitants of the ſame Juriſdiction are, This grant by approbation of the ſaid Generall Court to be Recorded and exemplifyed under the Common Seal, otherwiſe to be void."

Signed, &c. in the Preſence of
Stephen Winthrop
Thomas Lechford
Amos Richardſon.

Pro ROGERO WINGATE.

[Rymer, Vol. XX. P. 382. A. D. 1639.]

REX, ſexto die *Auguſti*, concedit *Rogero Wingate* Armigero, Officium Theſaurarii Regis, infra Dominium de *Virginia*, durante vita.

P. S.

COMMISSION *and* ORDINANCES *from* SIR FERDINANDO GEORGES, *to* SIR THOMAS JOSSELIN *and others*.

[Records Inf. Court York County Maſſachuſetts.]

TO all Chriſtian people to whome this preſent writinge ſhall come I Sir Ferdinando Georges Lord proprietor and owner of the province of Maine in New England in America doe ſend greting in our Lord God Everlaſting, know yee that wheras it hath pleaſed the kings moſt Excellent Maieſtie to take into his owne actuall and reall poſeſſion all the Teretories and tracts of land now called New England in America and hath out of his royall favour by his royall Charter vnder the great ſeale of England bearinge date the third day of Aprill in this preſent Feftenth yeare of his highnes Raigne, graunted and confirmed vnto me the ſaid Sir Ferdinando Georges all that parte and porcon of land lyng and being in New England aforeſaid, which by the meetes and bounds therof extendeth itſelf from the entrance of Paſcataway harbour vnto the River of Sagadehadocke and ſoe vp into the maine land one hundred and twentie milles and hath declared his royall pleaſure that the ſaid portion of maine land aforeſaid ſhalbe henceforth called and named the Province of Maine with all the ſoyles riveres and brookes therof and hath alſo by his ſaid royall Charter given me power and authoritie to make and eſtabliſh ordinances for the better gouerment and welfare of the inhabitants of the ſaid province and publique peace therof with diveres other royalties privilidges and Imunities as by the ſaid royall Charter a true Copy wherof is hereunto annexed, wherunto relacon being had mor at large it doth and may appeare By vertue wherof I have vpon deliberate Conſideracon made and eſtabliſhed the ordinaunces vnto this comiſſion ſubſcribed for the better goverment of my ſaid province and until my further pleaſure ſhall be ſignified for the revocacon and making voide therof or untill I ſhall aſſemble the freholders of my ſaid province for enacting ſuch lawes and ſtatuts as may agree with the welfare of the publique ſtate of the ſaid province Wherfore of the ſpeciall good opinion which I have conceaved of my truſty and welbeloued Sir Thomas Joſſelin knight Richard Vynes Eſquire my Steward generall Francis Champernon Eſquire my louing Nephew Henry Joſſelin and Richard Bonithton Eſquires William Hooke and Edward Godfree gentlemen I doe hereby conſtitute ordaine and appoint them the ſaid Thomas Joſſelin knight Richard Vynes Francis Champernone Henry Joſſelin and Richard Bonithton Eſquires William Hooke and Edward Godfree gentlemen to be my Councelors for the due execucon of Juſtice in ſuch manner and forme as by my ordinances hervnto ſubſcribed is directed and as by the ſaid annexed royall Chartter

I am

I am inabled and doe alſoe give them power and authoritie to adminiſter oaths to any perſon or perſons within my ſaid province for there better direccon and clearing of the truth in any cauſe or matter that ſhall depend before them and to doe and performe all other things vnto the execucon of Juſtice belonging in ſuch manner and forme as by my ſaid ſubſcribed ordinances is ordeyned and the ſaid royall Chartter I am authorized And I doe alſoe give full power and authoritie unto the ſaid Richard Vynes Eſquire my ſaid Steward generall to adminiſter the oaths of Allegaince according to the forme vſed in this his Majeſties realme of England, and the oath in the ſaid ordinances expreſſed vnto the reſt of my ſaidCouncelors and after the adminiſtracon therof vnto them as aforeſaid I doe will and authorize them or any two of them to adminiſter the ſaid oaths vnto the ſaid Richard Vynes, and ſoe to proceed to the execucon of iuſtice according to the power vnto them given in my ſaid ordinaunces as by the ſaid annexed Coppy of royall Charter I am appointed, and for ſoe much as there hath been ſeverall complaints to mee exhibited againſt the piracyes ſpoyles and other dangerous attempts that have bin made vpon the Inhabitants of my ſaid province by the natives and other piraticall perſons contrary to the law of nations and to the diſheartning of other good ſubiects to be planters therin for prevention wherof I doe by the vertue of the power to me given by his Majeſtie ſaid Royall Charter give full power and authoritie vnto my ſaid Councelors or any five of them wherof the ſaid Sir Thomas Joſſelin or Richard Vynes Eſquires to be one by there Comiſſion vnder there hands and ſeales directed to the Provoſt Martiall or ſuch other perſon or perſons as they ſhall thinke fitt to leavy arms and take ſuch forces as the ſaid province will afoard and therewith to make head either by land or by ſea againſt ſuch piratts or other perſons and to uſe all the meanes they can for the vanquiſhing of them or driving them out of the ſaid province and if it ſhall ſoe pleaſe God to apprehend kill or take them, and being taken to proceed againſt them according to marſhall law or otherwiſe to determine of them as by the ſaid councell ſhalbe thought convenient or the maior voyce of them ſhall adiudge at there next aſſembly or ſeſſions to be held after aprehencon of ſuch piratts or other perſons. All which Seſſiones or other Aſſemblies are by them to be held at ſuch convenient tymes as they or the greater parte of them wherof the ſaid Sir Thomas Joſſelin or Richard Vynes Eſquire to be one ſhall thinke fitt for the due Execucon of the ſaid ordinances which ordinances doe follow in theſe words.

Ordinances made eſtabliſhed and ordeyned by me Sir Ferdinando Georges Knight Lord Proprietor and owner of the Province of Maine in New England in America, which ordinances are to be putt in execucon by my truſty and welbeloued Sir Thomas Joſslin Knight Richard Vines Eſquire my Servant and Steward generall my loving nephew Francis Champernone Eſquire Henry Joſslin and Richard Bonithton eſquires William Hooke and Edward Godfree gentlemen and ſuch

otheres as ſhalbe by me appointed hereafter to be of my Counſell in my ſaid province For ſoe much as I have deſired nothing more then the happines of thoſe Plantacons of New England in generall and of the peaceable government of my ſaid province the ſame being wholly appropriated to me my heires and aſſignes with full power and authoritie to diſpoſe of matters both for government and Teretore as may beſt ſorte with the happines of the inhabitants therof By vertue wherof I have thought fitt to nominate and appointe you my truſty and welbeloved Sir Thomas Joſslin Knight and the reſt of the perſons above named to be my Counſellors for the due Execucon of my ordinances according to the power to me given by the ſaid royall Chartter during my will and pleaſure only and I doe therfore give full power and authoritie vnto the ſaid Sir Thomas Joſslin and my ſaid Steward generall or either of them to call together ſoe many of the ſaid Counſell as ſhalbe ſufficient to determine and order ſuch ſuites and cauſes as ſhall be comenced or depend before them And that there may be a place appointed for the hearing and determining of cauſes I have thought to aſſigne the ſame to be as nere as may be in the midſt of that parte of the province which is moſt inhabited and that there be a houſe builte for that purpoſe at my own chardge if it cannot otherwiſe be ſetled. And I doe ordeine that your meeting be vpon a day certaine to be appointed by the ſaid Counſell or any three of them wherof the ſaid Sir Thomas Joſslin or Richard Vynes Eſquire to be one And I doe give my ſaid Counſellers or any three of them wherof the ſaid Sir Thomas Joſslin or Richard Vynes Eſquire to be one full power and authoritie and doe ordeyne and declare that at there ſaid meeting they ſhall examine heare and determine all muttines Felloneyes Murderes Rapes Manſlaughter Burglaryes petty Larcenyes Forgeries perjuries adultryes Inceſts Fornicacones ſpreaderes of falſce newes Drunkenes Swearing affrayes Ryottes Routes and vnlawfull aſſemblies And doe ordeyne that my ſaid Counſell or any three of them wherof the ſaid Sir Thomas Joſslin or Richard Vynes Eſquier to be one ſhall inflict ſuch paynes and puniſhmentes vpon any perſon or perſones duly convicted or found guiltie before them for comitting of the offences aforeſaide as by his maieſtie lawes and ſtatutes here in his maieſties Realme of England are made and ordeyned for puniſhment of the like offences, in as large and ample manner as I am enabled by the ſaid royall chartter to doe and performe the ſame. And I doe further ordeyne that my ſaid Counſellors or any three of them wherof the ſaid Sir Thomas Joſslin or Richard Vines Eſquire to be one ſhall heare determine and order all complaintes to them exhibited within my ſaid province for controverſies ariſing betweene partie and partye touching breach of covenantes debts detinues bondes bills legacies and all other matteres that may concerne any perſon or perſones in there goods chattells or frehold, and to make ſuch orderes therein for the relief of the complaynant vpon hearinge therof as the iuſtice and equitie of the matter or cauſe ſhall deſerve and as to his maieſtie lawes and ſtatutes

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in this his highnes Realme of England are agreable, and alſoe to awarde ſuch coſts or damages to the plaintiffe or defendant as they ſhall thinke fitt vpon the hearing therof in ſuch manner and forme as by the ſaid royall chartter I am in abled and authorized. And I doe further ordyne that my ſaid Counſell or any three of them wherof the ſaid Sir Thomas Joſslin or Richard Vynes to be one ſhall have power and authoritie to puniſh any perſon or perſons that ſhall breake or not give obedience vnto ſuch orderes as they ſhall make at there ſaid ſeſſiones or meetinges and ſhall inpoſe fines vpon the perſones ſoe breaking them and comitt them to priſon till they ſhall yeeld obedience therevnto, And that there may be a orderly courſe held for ſumonninge of appearance to thoſe that ſhalbe called to anſwer before my ſaid Counſellors I have aſſigned this ſhort forme of proces to be there vſed viz To our welbeloved A. B. greeting Theſe are to will and command you to come and appeare before vs the Councell eſtabliſhed in the province of Maine vpon the day of to anſwer to the complaintes of

Gyven vnder our handes and Seales And in caſe of any fellonie or capitall crime, the warrant is to be directed to the provoſt martiall or the conſtable of the peace and to be after this forme Theſe are to will and comand you preſently vpon receite herof to take with you a ſufficient guard and to vſe your beſt meanes for the apprehencion of A. B. and him to bring before me to anſwere vnto ſuch matters of fellony as ſhalbe obiected againſt him herof faile not and the delinquent ſoe apprehended is by the conſtable to be kept either in irones or ſome ſtronge houſe or to ſett a guarde vpon him vntill he ſhall give ſufficient ſecuritie for his appearance at the next generall ſeſſiones to be by the ſaid Counſell held for the ſaide province, or ſhalbe otherwiſe diſpoſed by the ſaid counſell or any two of them wherof the ſaid Sir Thomas Joſslin or Richard Vynes Eſq. to be one. And I doe further ordeyne that you ſhall appoint ſome ſufficient Clarke to regiſter all your proceedinges and recorde all your orderes of Court and to aſſigne ſuch other officeres to attend your ſaid Courte as ſhall be fitt. And I doe further ordeyne that if any perſone or perſones ſhall conteme or refuſe to give obedience vnto ſuch order or orderes which you ſhall make at anyof your ſaide metinges or ſeſſiones and being duly convicted therof, that then you aſſigne your prouoſt martiall to goe with a ſuffecient guarde and to apprehend ſuch a delinquent and him to kepe in ſafe priſon till his cauſe be further ordered, and in caſe reſiſtance be made that then the prouoſt martiall proceed to kill or otherwiſe apprehend and take ſuch reſiſteres as in caſe of rebellion or mutiny you given him warrant vnder your handes and ſeales for ſoe doing which warrant is to goe after this forme Forrſomuch as ſuffecient proofe hath bin made before vs of the contemptuous and mutinous caridge of Theſe are therefore ſtraightlie to chardge and comand you that you take with you a ſtrong and ſafe guarde well armed and that you omitt not to apprehend the ſaid and him to bring before vs or ſome of vs to be further dealte withall according to the nature of his crime

crime But in caſe thiere ſhalbe reſiſtance made or that he ſhall fortifie his houſe againſt you, that then you omitt not by fier or otherwiſe to proceed in the execucon of this our warrant as againſt a publique enemye or dangerous Rebell Gyven vnder our handes and ſeales. But before this is to be graunted I doe ordeyne that the court ſhall proceed to a deligent hearing of the complaints and to be well aſſured of the truth of thoſe contempts he ſtands acuſed of, which done ſentence is to be given and recorded ſpecifing the proofes whereupon the order is grounded And I doe further ordeyne that for the execucon of ſuch orderes and kepeing all manner of priſoners you make a provoſt martiall who is to have a fitt houſe builte for that purpoſe at the comon chardge for that it is for the publique good And I doe further ordeyne and declare that my ſaid counſellors and every of them ſhall before they intermedle with the hearing ordering or puniſhing any of the matteres or offences before rehearſed, take the oath of Allegeaunce according to the forme now vſed in this his highnes' Realme of England, and ſhall alſoe take the oath herevnto ſubſcribed for the due execucon of Juſtice without reſpect of perſones, and that they preſume not to intermedle therein till they have taken the ſaid oaths, and that to be done at the firſt publique ſeſſiones which they ſit for the execucon of theſe my ordinances, which oath for the execucon of Juſtice followeth in theſe words I doe ſweare and proteſt before God Almightie and by the holy contentes of this booke to be a faithfull ſarvant and counſellor vnto Sir Ferdinando Georges knight, my Lord of the province of Maine and to his heires and aſſignes, to doe and performe to the vttmoſt of my power all dutifull reſpects to him or them belonging, concealing there counſells and without reſpect of perſones to doe performe and give my opinion in all cauſes according to my conſcience and beſt vnderſtanding, both as I am a counſellor for hearing of cauſes and otherwiſe frely to give him or them my opinion as I am a counſellor for matteres of ſtate or commonwealth, and that I will not conceale from him or them and there Councell any matter of conſpiracie or muttinous practice againſt my ſaid Lord his heires and aſſignes, but will inſtantly after my knowledge thereof diſcover the ſame vnto him and his ſaid Councell, and by all meanes ſeeke to prevent the ſame, and proſecute the authours therof with all delligence and ſeueritie according to juſtice, and therupon doe humblie kiſſe the booke. And laſtly I doe ordeyne that comiſſion and ordinaunces be publiquely read at the firſt aſſemblie and ſittinge of my ſaid Councell wherby the Inhabitants of my ſaid province may know how they are to be governed, In witneſs wherof I have vnto this my ſaid comiſſion and ordinaunces putt my hand and ſeale this ſecond day of September in the ſeftenth yeare of the raigne of our moſt gratious ſoveraigne lord King Charles Anno Domini 1639.

COMBI-

COMBINATION *of the Settlers at* EXETER *in* NEW-HAMPSHIRE.

[Exeter Records.]

WHEREAS it hath pleaſed the Lord to move the Heart of our dread Sovereign Charles by the Grace of God King &c. to grant Licence and Libertye to ſundry of his ſubjects to plant themſelves in the Weſterne parts of America. We his loyal Subjects Brethren of the Church in Exeter ſituate and lying upon the River Paſcataqua with other Inhabitants there, conſidering with ourſelves the holy Will of God and our own Neceſſity that we ſhould not live without wholeſom Lawes and Civil Government among us of which we are altogether deſtitute; do in the name of Chriſt and in the Sight of God combine ourſelves together to erect and ſet up among us ſuch Government as ſhall be to our beſt diſcerning agreeable to the Will of God, profeſſing ourſelves Subjects to our Sovereign Lord King Charles according to the Libertyes of our Engliſh Colony of Maſſachuſetts, and binding of ourſelves ſolemnly by the Grace and help of Chriſt and in his Name and fear to ſubmit ourſelves to ſuch Godly and Chriſtian Lawes as are eſtabliſhed in the realm of England to our beſt Knowledge, and to all other ſuch Lawes which ſhall upon good grounds be made and enacted among us according to God that we may live quietly and peaceably together in all godlineſs and honeſty. Mo. 8. D. 4. 1639 as atteſts our Hands.

John Whelewright,	Darby Field,	Richard Morris,
Auguſtine Starr,	Robert Read,	Nicholas Needham,
Thomas Wright,	Edward Ruſhworth,	Thomas Wilſon,
William Wentworth,	Francis Matthews,	George Rawbone,
Henry Elkkins,	Godfrey Derborne,	William Cole,
George Wolton,	William Wardhall,	James Wall,
Samuel Walker,	Robert Smith,	Thomas Leavitt,
Thomas Pettit,	Ralph Hall,	Edmund Littlefield,
Henry Roby,	Robert Soward,	John Cramme,
William Winborne,	Richard Biellyer,	Philemon Purmot,
Thomas Crawley,	Chriſtopher Lawſon,	Thomas Wardhull.
Chriſtopher Kelme,	George Barlow,	

REPORT

REPORT *of Arbitrators at* PROVIDENCE, *containing Propoſals for a Form of Government.*

[Records of Suffolk County, Maſſachuſetts.]

Providence the 27th of the 5th mo. in the yeare (ſo called) 1640.

WEE Robert Coles Chad Browne William Harris and John Warner being freely choſen by the conſent of our louing freinds and neighbours the Inhabitants of this Towne of Providence, having many differences amongſt us, they being freely willing and alſo bound themſelves to ſtand to our Arbitration in all differences amongſt us to reſt contented in our determination being ſo betruſted we have ſeriouſly and carefully indevoured to weigh and conſider all thoſe differences being deſirous to bringe to vnity and peace, although our abilities are farr ſhort in the due examination of ſuch weighty things, yet ſo farre as we conceive in laying all things together we have gone the faireſt and the equalleſt way to produce our peace.

I. Agreed, We have with one conſent agreed that in the parting thoſe particler proprieties which ſome of our friends and neighbours have in Patuxit from the general Common of our towne of Providence to run vppon a ſtreight line from a freſh ſpring being in the Gulley, at the head of that cove running by that point of land called Saxafras vnto the towne of Maſhipawog to an oake tree ſtanding neere vnto the corne field being at this time the neereſt corne field vnto Patuxit, the oake tree having four marks with an axe, till ſome other land marke be ſet for a certaine bound. Alſo we agree that if any meadow ground lyeing and joineing to that Meadow, that borders uppon the River of Patuxit come within the foreſaid line, which will not come within a ſtreight line from long Cove to the marked tree then for that meadow to belong to Pawtuxit, and ſo beyond the towne of Maſhipawog from the oake tree between the two freſh Rivers Pawtuxit and Wanaſquatucket of an even Diſtance.

2. Agreed. We have with one conſent agreed that for the diſpoſeing of thoſe lands that ſhallbe diſpoſed belonging to this towne of Providence to be in the whole Inhabitants by the choiſe of five men for generall diſpoſeall to be betruſted with diſpoſeall of lands and alſo of the townes Stocke, and all Generall things and not to receive in any in ſix dayes as towneſmen but firſt to give the Inhabitants notice to conſider if any have juſt cauſe to ſhew againſt the receiving of him as you can apprehend, and to receive none but ſuch as ſubſcribe to this our determination. Alſo we agree that if any of our neighbours doe apprehend himſelfe wronged by theſe or any of theſe 5 diſpoſers, that at the Generall towne meeting he may have a tryall.

Alſoe

Alſoe wee agree for the towne to chooſe beſide the other five men or.. or more to keepe Record of all things belonging to the towne and lying in Common.

Wee agree, as formerly hath bin the liberties of the town, ſo ſtill, to hould forth liberty of Conſcience.

III. Agreed, that after many Conſiderations and Conſultations of our owne State and alſoe of States abroad in way of government, we apprehend, no way ſo ſuitable to our Condition as government by way of arbitration, But if men agree themſelves by arbitration, no State we know of diſallowes that, neither doe wee: But if men refuſe that which is but common humanity betweene man and man, then to compel ſuch vnreaſonable perſons to a reaſonable way, we agree that the 5 diſpoſers ſhall have power to compell him either to chooſe two men himſelfe, or if he refuſe for them to chooſe two men to arbitrate his cauſe, and if theſe foure men choſen by every partie do end the cauſe, then to ſee theire determination performed and the faultive to pay the Arbitrators for theire time ſpent in it: But if thoſe foure men doe not end it, then for the 5 diſpoſers to chooſe three men to put an end to it, and for the certainty hereof wee agree the major part of the 5 diſpoſers to chooſe the 3 men, and the major part of the 3 men to end the cauſe haueing power from the 5 diſpoſers by a note under theire hand to performe it, and the faultive not agreeing in the firſt to pay the charge of the laſt, and for the Arbitrators to follow no imployment till the cauſe be ended without conſent of the whole that haue to doe with the cauſe.

Inſtance. In the firſt Arbitration the offendor may offer reaſonable termes of peace, and the offended may exact vppon him and refuſe and trouble men beyond reaſonable ſatisfaction, ſo for the laſt arbitrators to judge where the fault was, in not agreeing in the firſt, to pay the charge of the laſt.

IV. Agreed, that if any perſon damnify any man, either in goods or good name, and the perſon offended follow not the cauſe vppon the offender, that if any perſon giue notice to the 5 Diſpoſers, they ſhall call the party delinquent to anſwer by Arbitration.

Inſtance. Thus, if any perſon abuſe an other in perſon or goods, may be for peace ſake a man will at preſent put it vp, and it may ſo be reſolue to revenge: therefore, for the peace of the ſtate the diſpoſers are to looke to it in the firſt place.

V. Agreed for all the whole Inhabitants to combine ourſelves to aſſiſt any man in the purſuit of any party delinquent, with all our beſt indeavours to attack him: but if any man raiſe a hubbub, and there be no juſt cauſe, then for the party that raiſed the hubbub to ſatisfy men for theire time loſt in it.

VI. Agreed, that if any man have a difference with any of the 5 Diſpoſers which cannot be deferred till general meeting of the towne, then he may have the Clerk call the towne together at his for a tryall.

Inſtance. It may be a man may be to depart the land, or to a farr parte of the land, or his eſtate may lye vppon a ſpeedy tryall or the like caſe may fall out.

VII. Agreed, that the towne by the five men ſhall give every man a deed of all his lands lying within the bounds of the Plantation to hould it by for after ages.

VIII. Agreed, that the 5 diſpoſers ſhall from the date hereof meete every month-day vppon General things and at the quarter-day to yeeld a new choiſe and give vp theire ould Accounts.

IX. Agreed, that the Clerke ſhall call the 5 Diſpoſers together at the month-day and the generall towne together every quarter, to meete vppon generall occaſions from the date hereof.

X. Agreed, that the Clerke is to receive for every cauſe that comes to the towne for a tryall 4*d*. for making each deed 12*d*. and to give vp the booke to the towne at the yeeres end, and yeeld to a new choice.

XI. Agreed, that all acts of diſpoſall on both ſides to ſtand ſince the difference.

XII. Agreed, that every man that hath not paid in his purchaſe money for his Plantation ſhall make vp his 10*s*. to be 30*s* eqval with the firſt purchaſers: and for all that are received townſmen hereafter to pay the like ſumme of money to the towne ſtocke.

Theſe being thoſe things wee have generally concluded on, for our peace, we deſireing our loveing friends to receive as our abſolute determination, laying ourſelvs downe as ſubjects to it.

ORDER *about Old Comers or Purchaſers December* 1ſt 1640.

[Plymouth Colony Records.]

WHEREAS by the Act of the general Court held the third day of March 1639 It was agreed vpon That the Purchaſors or old Comers ſhall make choyce of two or three Plantacons for themſelves and theire heires by this December Court now the ſaid Purchaſers or old Comers doe ſignifie vnto the Court that accordingly they have made choyce of theſe three places, viz. Firſt from the bounds of Yarmouth three miles to the Eaſtwards of Naemſkeckett and from Sea to Sea croſſe the neck of land, The ſecond Place of a place called Acconqueſſe (alias) Acokcus which lyeth in the bottome of the Bay adjoyneing to the weſt Side of Poynt Perrill and two miles to the weſterne ſide of the ſaid River to another place called Acquſſent River which entereth at the weſterne end of Nickatay and two miles

miles to the Eaſtward thereof and to extend eight miles vp into the Countrey. The Third place from Sowamſett River to Patuckquett River with Canſumpſit neck which is the cheefe habitacon of the Indians and reſerued for them to dwell vpon extending into the land eight miles through the whole breadth thereof, the which choyce being made as aforeſaid and allowed in the Court Mr Wm. Bradford for himſelf and his aſſociates doth tender a ſurrender to the Body of Freemen of all the reſt of the lands within the Patents (which are not graunted to plantacons in generall or perſons in particuler) And the ſaid William Bradford is ready further to confirme the ſame on the parte and behalfe of himſelf and his aſſociats to the body of the Freemen when he ſhalbe required.

The Names of the Purchaſers.

Mr William Bradford	Francis Cooke	John Winſlow
Mr Thomas Prence	Jonathan Brewſter	John Shaw
Mr William Brewſter	Edward Banges	Joſiah Pratt
Mr Edward Winſlow	Nicholas Snow	John Adams
Mr John Alden	Mr Steven Hopkins	Billington
Mr John Jenney	Thomas Clarke	Phineas Pratt
Mr Iſaac Allerton	Raph Wallen	Samuell Fuller
Captain Myles Standiſh	William Wright	Clement Brigges
Mr William Collyare	Elizabeth Warren widdow	Abraham Pearſe
Mr John Howland	Edward Dote	Steephen Tracy
Manaſſeh Kempton	Cutbert Cutbertſon	
Joſeph Rogers	William Baſſett	Moyſes Symonſon
John Faunce	Franc. Sprague	George Soule
Stephen Doane	The heires of John Crakſton	Edward Holman
Thomas Cuſhman	Edward Bumpas	Mr James Sherley
Robte Hickes	William Palmer	Mr Beauchampe
Thomas Morton	Peter Browne	Mr Andrewes
Anthony Annable	Henry Sampſon	Mr Hatherley
Samuel Fuller	Experience Michell	Mr William Thomas
Francis Eaton	Phillip Delanoy	In all 58

WILLIAM BRADFORD, &c. *Surrender of the Patent of* PLYMOUTH COLONY *to the Freemen, March* 2d 1640.

[Plymouth Records.]

WHEREAS divers and ſondry Treaties have beene in the Publicke generall Courts of New-Plymouth his majeſtie our dread Sovereigne Charles by the grace of God King of England Scotland France and Ireland &c concerning the proper Right and title of the Lands within the bounds and limitts of his ſaid majeſties Letters Patents graunted by the Right Honorable his majeſties Counſell for New England ratified by theire Comon Seale and ſigned by the hand of the Right Honorable Earle of Warwicke then Preſident of the ſaid Counſell to William Bradford his heirs aſſociates and aſſignes beareing date &c And whereas the ſaid William Bradford and divers others the firſt Inſtruments of God in the beginninge of this greate work of Plantacon together with ſuch as the Alorderinge God in his Providence ſoone added vnto them have beene at very greate charges to procure the ſaid lands priviledges and freedomes from all entanglements as may appeare by diuers and ſondry deeds enlargements of graunts purchaſes payments of debts &c by reaſon whereof the title to the day of this preſent remayneth in the ſaid William his heires aſſociats and aſſignes now for the better ſetling of the ſtate of the ſaid land aforeſaid the ſaid William Bradford and thoſe firſt Inſtruments termed and called in ſondry orders vpon publick Record the Purchaſers or Old Comers witnes two in eſpeciall the one beareing date the third of March 1639 the other in December the firſt 1640 wherevnto theſe preſents have ſpeciall relacon and agreement and whereby they are diſtinguiſhed from other the freemen and Inhabitants of the ſaid Corporation Be it knowne vnto all men therefore by theſe preſents That the ſaid William Bradford for himſelf his heires together with the ſaid purchaſers do onely reſerve vnto themſelves their heires and aſſignes thoſe three tracts of land menconed in the ſaid reſolvcon order and agreement beareing date the firſt day of December 1640 viz. firſt from the bounds of Yarmouth three miles to the Eaſtward of Naemſkeckett and from Sea to Sea croſſe the ſaid neck of land The ſecond of a place called Acconqueſſe (alias) Acockus which lyeth in the bottome of the Bay adjoyneing to the weſt ſide of Poynt Perrill and two miles to the weſterne ſide of the ſaid River to another place called Acquſſent River which entereth at the weſterne end of Nickatay and two miles to the Eaſtward thereof and to extend eight miles vp into the Countrey The third place from Sowamſett Ri-

ver

ver to Patuckquett River with Conſumpſit neck which is the cheef habitation of the Indians and reſerved for them to dwell vpon extending into the land eight miles through the whole breadth thereof, together with ſuch other ſmale percells of lands as they or any of them are perſonally poſſeſſed of or intereſſed in by vertue of any former titles or graunts whatſoever and the ſaid William Bradford dot h by the free and full conſent approbacon and agreement of the ſaid Old Planters or Purchaſers together with the likeing approbacon and acceptacon of the other part of the ſaid Corporacon ſurrender into the hands of the whole Court conſiſting of the Freemen of this Corporacon of New-Plymouth all that ther right and title power authorytie priviledges immunities and freedomes graunted in the ſaid Letters Patents by the ſaid Right Honorable Councell for New England reſerueing his and their perſonall Right of Freemen together with the ſaid old Planters aforeſaid except the ſaid Lands before excepted, declaring the Freemen of this preſent Corporacon together with all ſuch as ſhall be legally admitted into the ſame his aſſociates And the ſaid William Bradford for him his heires and aſſignes doe further hereby promiſe and graunt to doe and performe whatſoever further thinge or thinges act or acts which in him lieth which ſhalbe needfull and expedient for the better confirmeing and eſtabliſhinge the ſaid premiſſes as by Counſell learned in the Laws ſhalbe reaſonably adviſed and deviſed when he ſhalbe therevnto required In witnes whereof the ſaid William Bradford hath in Publicke Court ſurrendered the ſaid Letters Patents actually into the hands and power of the ſaid Court bynding himſelfe his heires executors adminiſtrators and aſſignes to deliver vp whatſoever ſpecialties are in his hands that do or may concerne the ſame.

Memorand. That the ſaid ſurrender was made by the ſaid William Bradford in publicke Court to Nathaniel Sowther eſpecially authoriſed by the whole Court to receive the ſame together with the ſaid Letters Patents in the name and for the uſe of the whole Body of Freemen.

It is ordered by the Court that Mr William Bradford ſhall have the keepeing of the ſaid Letters Patents which were afterwards delivered vnto him by the ſaid Nathaniel Sowther in the Publick Court.

FIRST

FIRST CHARTER *of* ACOMENTICUS, *now* YORK.

[MSS. Orig.]

TO all to whome theis preſents ſhall come I Sir Ferdinando Gorges Knight Lord of the Province of Maine within the Territories of New England in America ſend Greeting Whereas the Planters and Inhabitants of Acomenticus in New-England have ſettled themſelves together in one Body in manner of a Towne in expectacon of a Graunt to be made vnto them from mee the ſaid Sir Ferdinando Gorges to be thereby incorporated and created into one body politique and corporate for the better regulating and gouernment of all the people that nowe are and hereafter ſhalbe reſident within the limitts and precincts of Acomenticus aforeſaid, and for the better ſettlement and ordering of the affaires and buſines of the planters and Inhabitants there from time to time happening within the ſaid Towne of Acomenticus and have beene humble Suiters unto me the ſaid Sir Ferdinando Gorges to graunt vnto them a Charter of Incorporacon on that behalfe Nowe knowe yee therefore that I the ſaid Sir Ferdinando Gorges for the better incouragement of all the preſent Planters and Inhabitants of Acomenticus and of all ſuch other perſon and perſons as ſhall att any time hereafter be minded to ſettle and inhabit within the Limitts of the ſaide Towne to proceed in ſoe pious and lawdable an Intention and to the end that they may haue and exerciſe civile Gouernment amongſt themſelues as becometh his Majeſties leige people exempted and freed from any power and Comaund of other the Gouernors of the Reſidue of the ſaid Province of Maine other then in calling them as aſſiſtants with force and armes to joyne in levying of power to ſuppreſſe ſuch Enemyes as ſhall invade the ſaid Province and trench by force of Armes uppon the liberties and priviledges belonging to me or the Lord of the ſaid province for the time being, or ſhalbe rebellious againſt the courſe of Juſtice there I the ſaid Sir Ferdinando Gorges have erected made ordayned and eſtabliſhed And by the Tenor of theis preſents doe for me my heires and aſſignes create make ordaine and eſtabliſhe the Planters and Inhabitants of Acomenticus aforeſaid into one bodie politique and corporate in fact deed and name from henceforth forever hereafter to continue by the name of the Maior Aldermen and of the Towne of Acomenticus within the Province of Maine and by that name to have perpetuall Succeſſion forever and be perſons able and capable in Lawe to have take and purchaſe any lands tenements and hereditaments goods and chattells whatſoever to them and theire ſucceſſors, and to diſpoſe bargaine ſell alien and demiſe the ſame at their free will and pleaſure and by that name to plead and be impleaded in any Court or Courts of Juſtice whatſoever within the limitts of the ſaid Province And

that

that the ſaid Body politique and corporate and theire Succeſſorsforever hereafter ſhall have one Towne Hall for the diſpatch of theire affaires and buſines belonging to the ſaid Corporacon and that they ſhall have power by theis preſents there to aſſemble themſelves together and to keepe Courts from three Weekes to three Weekes or oftener if need ſhall require for the hearing and determining of Civile Cauſes betweene partie and partie by plaint and plea or Bill and Anſwers Vppon which the Maior and Aldermen for the time being or any three or more of them whereof the Maior for the Time being to be one ſhall proceed to triall of any Civile Cauſe or Cauſes uppon all ſuch allegacons and proffes as ſhall be produced without calling together of any other perſons or Jurors which in Civile Cauſes is a cuſtome needles and preiudiciall to ſuch proceedings, but that the ſaid cauſes ſhalbe determined and ſentence ordered by the preſent Judges of each Court for the time beinge by moſt voices of ſuch Judges of the Court as have had the hearing of the cauſe or cauſes or matters in variance debated before them And for the better effecting thereof there ſhalbe created erected and ordained within the ſaid Body politique and corporate one Maior and eight Aldermen and one Recorder and that the Maior for the time being ſhall from time to time be elected and choſen out of the ſaid nyne perſons in manner and forme hereafter expreſſed (that is to ſay) the ſaid eight Aldermen ſhall vppon the firſt Tueſday in every Eaſter weeke nominate three of the ſaid number of nyne perſons vnto the Inhabitants of Acomenticus who by the voices of the Burgeſſes and the reſt of the ſaid nyne perſons or the maior part of them ſhall elect one of the ſaid three perſons to be the ſucceeding Maior for the yeare following who ſhalbe ſworne to execute that office by the precedent Maior vppon the firſt Tueſday in the Whitſon weeke att which time the precedent Maior ſhall reſign his place And for the better performance and execucon of the ſaid office of Maior and adminiſtracon of Juſtice within the Limitts of the ſaid Corporacon the precedent Maior ſhalbe one Juſtice of the peace more there for the yeare enſueing And that it ſhall be lawful for them to have a Common Seale for theire uſe and to alter and change the ſame att theire pleaſure; And alſoe to haue one Comon Goale for impriſoning of Delinquents or Debtors And alſoe that it ſhalbe lawfull for the ſaid Maior and Aldermen to ordaine and appoint one or more officer or officers to execute precepts attachments or execucons or to arreſt the bodie or bodies of any perſon or perſons after action entered vppon Record in theire Courte Booke And alſoe to have a Towne Clarke and to appoint reaſonable fees to all ſuch officers and miniſters, and to conceave oathes fitting for ſuch officers, and to adminiſter ſuch oathes vnto them before the Maior for the time being And I the ſaid Sir Ferdinando Gorges doe by the Tenor of theis preſents ordaine and appoint that the Maior and Aldermen of Acomenticus or maior part of them ſhall from time to time keepe Seſſions of the Peace in the ſaid Towne hall for the Diſpatch of Criminall Cauſes and ſhall proceed in the ſame by Indictment and

tryall

tryall of ſuch cauſes by a Verdict of Jurors Provided that noe proceedinge in Cauſes Criminall be contrary to the Lawes of England nor for offences committed out of the limitts and bounds of the ſaid Corporacon nor for any criminall cauſe which concernes the life or member of any perſon for any fault committed within the limitts of the ſaid Corporacon which ſhall extend Eaſt Weſt North and South three miles every way diſtant from the Church Chappell or place ordayned or intended for a Church Chappell or Oratory belonging to the Plantacon of Acomenticus And that they ſhall have two ſeverall Books wherein all proceedings both in Criminall and Civill cauſes, ſhall be recorded and regiſtred that they may give an accompt of ſuch proceedings from time to time as occaſion ſhall require And that they ſhall have power to erect markets within the limitts of the ſaid Corporacon, And that the Maior for the time being ſhall be Clarke of the Markett, and ſhall have power to execute that office by a deputy takeing ſuch reaſonable tolle and fees as may be fittinge in like Caſes not burdeninge his Majeſties leige people thereby And that it ſhalbe lawful for the Maior for the time being to muſter men and Levy Armes for the neceſſary defence of the Corporacon againſt hoſtile Invaſions and to ordaine and make Captaines and ſuch other Officers as are neceſſary in like Caſes And for the Maior and Aldermen to erect ſuch Fortifications as ſhalbe thought fit and expedient for the defence of the ſaid Corporacon and to furniſh the ſame with Armes and Artillery And to erect ſuch Ports or Keyes for ladeing and vnlading of Shipps and other Veſſells as ſhalbe found neceſſary And if it ſhall happen that any member of the ſaid body politique doe dye or depart and live out of the limitts of the ſaid Corporacon or ſhalbe removed from that Place of Imployment for any reaſonable cauſe That then another ſhalbe choſen in his ſtead from time to time as occaſion ſhall require by the reſidue or the maior part of them att theire diſcretion who ſhall have like power to expel any member for iuſt and reaſonable cauſes and chooſe any other of the Inhabitants in his ſteed And I the ſaid Sir Ferdinando Gorges doe nominate my welbeloved Coſyn Thomas Gorges of the Province of Maine aforeſaid gentleman to be firſt and next maior of Acomenticus aforeſaid And Edward Godfrey gentleman Roger Garde, George Puddington Bartholomew Barnett Edward Johnſon Arthur Bragington Henry Simſon and John Rogers to be the firſt eight aldermen of the ſaid Corporacon who ſhall have perpetuall Succeſſion whereof the ſaid Edward Godfrey ſhalbe a Juſtice of the peace for the firſt yeare which is to be accompted from Witſontide next after the comeing over of this preſent graunt into the Province of Maine before ſpecified whereby the members of the ſaid Corporacon ſhall have notice of this Comiſſion And that the ſaid Roger Gard ſhalbe the firſt Recorder there and he ſhall alſoe execute the Office of Towne Clarke of the ſaid Corporacon by himſelfe or his ſufficient Deputie, and ſhall have and take ſuch reaſonable Fees for Recording of Cauſes as

ſhalbe

ſhalbe by the ſaid maior and aldermen or the maior part of them thought fitt and convenient to ſett downe in theire Court Booke for the more certainty thereof And that the Maior of the ſaid Corporacon for the time being ſhall from time to time be Coronor of the ſaid Corporacon and ſhall exerciſe and execute the ſaid office by himſelfe or his ſufficient Deputie And that it ſhalbe lawfull for the ſaid Body Politique and Corporate to keepe Courte Leete once every yeare within tenn dayes either before or after Michaelmas wherevnto all perſons above the age of twelve yeares may be warned to appeare And alſoe to have the benefitt of waives and ſtrayes and Felons goods happening from time to time within the limitts and precincts of the ſame Corporacon and ſhall have ſeverall oathes adminiſtred vnto him, one for executeing the Office of Maior and the other of Coroner by the ſaid Towne Clarke which ſhalbe conceaved by the members of the ſaid Corporacon or the maior part of them and recorded and regiſtred for perpetual memory in theire Towne Booke And the ſaid Edward Godfrey ſhall likewiſe have an oath adminiſtred vnto him by the ſaid Towne Clarke for the due execucon of Juſtice within the limitts of the ſaid Corporacon for the yeare enſueing which ſhall be conceaved and framed as aforeſaid And that they the ſaid maior and Aldermen and theire perpetuall ſucceſſors ſhall have power by the Tenor of theis preſents to make ſuch by lawes orders and ordinances as are accuſtomed to be made in Townes Corporate in England that they may be ſuch as are from time to time wholeſome and neceſſary for the regulating of the affaires of the ſaid Towne and of the Inhabitants and people which ſhall be reſident within the lymitts of the ſaid Corporacon and ſhall likewiſe have power to alter and change the ſame as need ſhall require and make newe by Lawes orders and ordinances in the ſteed thereof And ſhall have like power hereby to put the ſaid by Lawes orders and ordinances in execucon for the benefitt of the Inhabitants and the peaceable ordering of the buſineſs of the Corporacon ſoe as noe by Lawe order or ordinance be made which may be repugnant or contrary to the by Lawes orders and ordinances uſed in other corporacons of England in any wiſe but as neare as may be agreeable and conſonant vnto the Lawes orders and ordinances vſed in England And ſhall likewiſe have power to make as many free Burgeſſes of the ſaid towne as they ſhall thinke fitt, and to disfranchiſe any of them for iuſt and reaſonable Cauſe, and I doe likewiſe ordaine and appoint that the ſaid Body politique and Corporate ſhall att theire Court Leete adminiſter vnto the Inhabitants this oath following (viz) you ſhall true Leigeman be and true faith and troath beare vnto our Souereigne Lord the King his heires and Succeſſors and vnto the Lord of the Province of Maine his heires and aſſignes in every reſpect as it becometh So help you God. And laſtly I the ſaid Sir Ferdinando Gorges for me myne heires and aſſignes have ordyned graunted and confirmed and by theis preſents doe ordaine graunte and confirme vnto the ſaid Cor-

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poracon Body politique and Corporate and theire perpetuall Succeſſors for ever that they ſhalbe exempted and freed from the Juriſdiccon authoritie and gouernment of any other officer or officers whatſoever that ſhall pretend to have power for the adminiſtracon of Juſtice within the province of Maine aforeſaid for any matter cauſe fact or contract happening within the limitts of the ſaid Corporacon Prohibiting all ſuch officers and miniſters of Juſtice as ſhalbe appointed within the ſaid Province from intermedling in the adminſtracon of Juſtice within the Limitts of the ſaid Corporacon without the eſpeciall Licence and conſent of the members of the ſaid Bodie politique or the maior part of them and theire ſucceſſours for ever hereafter And firmely inioyning and Comaunding that all and every other officer and Miniſter of Juſtice within the ſaid province doe permitt and ſuffer the ſaid Body politique and theire perpetuall ſucceſſors quietly and peaceably to inioy all the liberties and priviledges therof according 'to the true intent and meaning of this preſent Charter of Incorporacon which is to be expounded and taken vpon all doubts and conſtruccons of the ſence of any Clauſe in the ſame in moſt favourable and beneficiall manner and forme for the Inhabitants and members of the ſaid Bodie politique and their ſucceſſors forever hereafter. In witneſs wherof I the ſaid Sir Ferdinando Gorges have herevnto ſett my Hand and Seale at armes dated the Tenth day of Aprill in the ſeaventeenth yeare of the Raigne of our Souereigne Lord Charles by the Grace of God King of England Scotland France and Ireland Defender of the Faith &c 1641 and in the ſecond yeare of my Principallity in Newe England.

FERDE. GORGES.

A Seal appendant.

Sealed and delivered in the preſence of

THOMAS MORTON
ROBERT GORGES
RICHARD SMITHSON

The foregoing is a true Copy of the Original in my poſſeſſion as clerk for the Town of York in the late province of Maine

DAN. MOULTON

AT

AT *a General Court of Elections held at* BOSTON *the 2d. 4th. Month* 1641.

[Maſſachuſetts Records.]

The Anſwer to the Petition of Mr. Pinchon and others of Springfield upon Connecticot exhibited to the General Court holden at Boſton the 2d. of the 4th. Month.

WHEREAS the ſaid Petitioners do certify us that ſome of their Neighbours and Friends upon Connecticott have taken Offence at them for adhering to our Government, and withdrawing from that upon the River, ſuppoſing that they had formerly been diſmiſſed from this Juriſdiction, And that we had bound ourſelves (by our own Act) from claiming any Juriſdiction or Intereſt in Agawam now Springfield, and for Proof hereof they alledge ſome Paſſages in a Commiſſion graunted by this Court in the firſt Month 1635 to the ſaid Mr. Pinchon and others for the Government of the Inhabitants upon the ſaid River and ſome Paſſages alſo in certain Articles ſuppoſed to have been propounded to them by authority of this Court: It is hereby declared,

I. That the ſaid Paſſages in the ſaid Commiſſion (as they are expreſſed in the Petition) are miſrecited; ſo as the true Scope, and Intention is thereby altered; as 1ſt. Whereas the Words in the Comiſſion are, they are reſolved to tranſplant themſelves, in the Recitall it is, to plant themſelves. 2dly, In the Commiſſion it is ſaid that thoſe Noble Perſonages have Intereſt in the River, And by Vertue of their Patent do require Juriſdiction there: In the Recitall it is, that we confeſs it belongeth to their Juriſdiction: 3dly, In the Commiſſion it is provided this may not be any prejudice to the Intereſt of thoſe noble &c. In the Recitall it is that nothing ſhould be done or intended to the Prejudice of the Lords or their Intendments.

II. That the ſaid Commiſſion was not granted upon any Intent either to diſmiſs the Perſons from us, or to determine any thing about the Limits of Juriſdictions, the Intereſt of the Lands, and our own Limits being as then unknown, therefore it was granted only for one year, and it may rather appear by our granting ſuch a Commiſſion, and their accepting of it; as alſo by that Clauſe, viz. till ſome other Courſe were taken by mutual Conſent, &c. that we intended to reſerve an Intereſt there upon the River, and that themſelves alſo intended to ſtand to the Condition of the firſt Licence of Departure given to the moſt of them which was, that they ſhould ſtill remain of our Body.

III. For thoſe Arguments which they draw from thoſe Articles certified in the Petition; We anſwer, that they were propounded and drawn out only by ſome of the

Magiſtrates of each Party without any Order or Allowance of this Court, and therefore whatſoever thoſe Magiſtrates might intend thereby, the Intent of the Court cannot be gathered from any thing therein, but in thoſe Articles which were agitated, and brought to ſome Iſſue in our Generall Court at Cambridge in the 4th Month 1638 where their Commiſſioners were preſent, Springfield then called Agawan was claimed by the Court (though by occaſion of ſome private Speech &c.) to belong to us. And it was then agreed by the Court, and yeilded unto by their Commiſſioners that ſo much of the River of Connecticott as ſhould fall within the Line of our Patent ſhould continue under our Juriſdiction (and it was then taken for granted, that Springfield would fall to us without Queſtion) And thoſe Articles had then been fully agreed on between the Court and their Commiſſioners, had there not been ſome Queſtion about their granting us free Paſſage up the River, in Regard of the Lord's Intereſt as they alledged.

From the General Court at Boſton 2.d of the 4.th Month, 1641.

[Maſſachuſetts Records.]

SIR,

IT is grievous to us to meet with any occaſion that might cauſe Difference to ariſe between your People and us ſtanding in ſo near a Relation of Friendſhip, Neighbourhood and Chriſtianity eſpecially; therefore our Study is (when any ſuch ariſe) to labour the removing of them upon the firſt appearance. Now ſo it is, that we have been certified, that you have given Leave to ſome of yours to ſett up a trading Houſe at Woronock, which is known to be within our Patent lying as much or more to the North than Springfield, We hear alſo that you have granted unto Mr. Robert Saltonſtall a great Quantity of Land, not far beneath Springfield, which we conceive alſo to belong to us: We deſire you to conſider of it as that which we apprehend to be an injury to us, and do us ſuch Right in Redreſs hereof, as you would expect from us in a like Caſe, We ſuppoſe we ſhall not need to uſe other Arguments, We know to whom we write, We have thought meet upon thoſe occaſions to intimate further unto you, that we intend (by God's Help) to know the Certainty of our Limits, to the end that we may neither intrench upon the Right of any of our Neighbours, nor ſuffer ourſelves and our Poſterity to be deprived of what rightly belongeth unto us, which we hope will be without offence to any, and upon this we may have ſome Ground of proceeding in our further Treaty with you about ſuch Things

as

as may concern the Welfare of us all. Theſe Things we leave to your Conſideration and ſhall expect your Anſwer., In the mean Time we reſt.

[The Direction of the above Letter is not mentioned.]

De Constitutione *Gubernatoris et Concilii pro Virginia.*

[Rymer Vol. xx. Page 484. A. D. 1641.]

CHARLES, by the Grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, &c. To our truſty and welbeloved, Sir William Berkeley Knight, one of the Gentlemen of our Privy Chamber, Sir Francis Wyat Knight; John Weſt Eſquire, Richard Kempe Eſquire, Samuel Matthews Eſquire, Nathaniel Littleton Eſquire, Chriſtopher Wormeley Eſquire, William Pierce Eſquire,Roger Windgate Eſquire, John Hopſon Eſquire, Thomas Powlet Eſquire George Minify Eſquire, Henry Brown, Eſquire, William Brocas Eſquire, Argol Yardley Eſquire, Thomas Pettus Eſquire, Thomas Willoughby Eſquire, Richard Bennet Eſquire, And Humfrey Higgeſon Eſquire, Greeting. Whereas we by our Letters Patents under our Great Seal of England, bearing date the eleventh day of January, in the fourteenth year of our Reign, for the better maintenance and Government of the Colony and plantation in Virginia, did nominate and appoint the ſaid Sir Francis Wyatt Knight, to be the then preſent Governor thereof, and ſuch other perſons, as We in and by Inſtructions under our Sign Manual had then named and aſſigned, or then after ſhould name and aſſign, to be the then preſent Counſel, of and for the ſaid Colony and Plantation of Virginia; Granting to him or them, and the greater number of them, full power and authority to perform and execute the places, powers and authorities, incident to a Governor and Counſel of Virginia reſpectively, as by the ſame Letters Patents of Commiſſion, more at large may appear; Which ſaid Commiſſion and all Places, powers and authorities, matters and Things thereby graunted or mentioned to be granted, We do to all Intents and purpoſes, fully and abſolutely revoke, determine and make void by theſe preſents; nevertheleſs, We being willing to give all Encouragement to that plantation, and minding that our Colony and People there, ſhould be regulated as well in Eccleſiaſtical as temporal Government, according to the Lawes and Statutes of our Realm of England, which we purpoſe to have eſtabliſhed there, and being reſolved not to impeach or hinder, but to promote and advance the particular Intereſts of ſuch of the Planters there, as ſhall conform themſelves as loyal Subjects, in all due Obedience to our Government, and to diſcourage ſuch, as ſhall be found Diſturbers of the Peace and Impugners of the ſaid Colony. Know ye therefore, that We for the effecting of the premiſſes, and the better ordering, governing and

and managing of the affairs of the ſaid Colony and Plantation in Virginia, and of the perſons now inhabiting, and which ſhall hereafter inhabit there, until We ſhall find ſome more convenient means upon mature advice, to give more ample Directions for the ſame; And repoſing aſſured Truſt and Confidence, in the Underſtanding, Care, Fidelity, Experience and Circumſpection of you the ſaid Sir William Berkeley, Sir Francis Wyatt, John Weſt, Richard Kemp, Samuel Matthews, Nathaniel Littleton, Chriſtopher Wormley, William Pierce, Roger Windgate, John Hopſon, Thomas Paulet, George Minify, Henry Browne, William Brocas, Argol Yardley, Thomas Pettus, Thomas Willoughby Richard Bennet and Humfrey Higgeſon, Have nominated and aſſigned and by theſe Preſents do nominate and aſſign you the ſaid Sir William Berkeley, to be the preſent Governor, and you the ſaid Sir Francis Wyatt, John Weſt, Richard Kemp, Samuel Matthews, Nathaniel Littleton, Chriſtopher Wormeley, William Peirce, Roger Windgate, John Hopſon, Thomas Paulet, George Minify, Henry Brown, William Brocas, Argol Yardley, Thomas Pettus, Thomas Willoughby, Richard Bennet, and Humfrey Higgeſon, to be the preſent Counſel of and for the ſaid Colony and Plantation in Virginia, giving and by theſe Preſents granting unto you and them, and the greater number of you and them reſpectively, full power and Authoritie, to perform and execute the Places, Powers and Authorities, incident to a Governor and Counſel of Virginia reſpectively, and to direct and govern, correct and puniſh our Subjects, now inhabiting or being, or which hereafter ſhall inhabit or be in Virginia, or in the Iles, Ports, Havens, Creeks, or Territories thereof, either in Time of peace or War, and to order and direct the affairs, touching or concerning that Colony or Plantation, in thoſe Foreign Parts only, and to execute and perform all and every other matters and things, concerning that Plantation as fully and amply, as any other Governor and Counſel reſident there, at any time, within the ſpace of ten years now laſt paſt, had or might perform or execute. And becauſe, by the experience of induſtrious and well experienced Men, the limits and bounds of the ſaid Plantation may be augmented, and Trade and Commerce, for the maintenance and enriching of the Inhabitants there, from time to time reſiding much advanced; Our will and pleaſure is, and We do by theſe Preſents give and grant unto you the ſaid Sir William Berkeley and the reſt of you our ſaid Counſel beforementioned, or any four or more of you, (whereof the Governor for the time being to be always one) full Power and Authoritie, to grant one or more Commiſſion or Commiſſions unto any of our Subjects, addreſſing themſelves unto our ſaid Governor and Counſel, for the diſcovery of the ſame Country and Ports, Bounds, Limits and Extents thereof; And alſo for the finding out, what Trades ſhall be the moſt neceſſary to be undertaken for the benefit and advantage of the ſaid Colony and Plantation, and the Good of the People inhabiting, or which ſhall inhabit there, both by Sea and Land; And further, upon all occaſions as you or any four or more of you (whereof you the Governor for the time being to be always

always one) ſhall ſee fit, to ſend out Forces, for the ſubduing of the Indians and Savages of the ſaid Country; and likewiſe to make War and Peace with them, in all ſuch caſes as may ſtand with the ſafety of the ſaid Colony and our honour, keeping always ſufficient Forces for the holding of the places now enjoyed. And if it ſhall happen, you the ſaid Sir William Berkeley to die, or in caſe of your urgent occaſions (allowed by four or more of our ſaid Counſel there) ſhall call you thence at any time, then our Will and Pleaſure is, and We do hereby give and grant to you the ſaid Sir William Berkeley, and the reſt of the Commiſſioners beforenamed, or the greater number of you, full power and authority upon the death or in the Abſence of you the ſaid Sir William Berkeley, to elect, nominate and aſſign one of our ſaid Counſel, to be the preſent Governor for the ſaid Colony and Plantation in Virginia, and ſo to do from time to time, as often as the caſe ſhall require; And we do by theſe Preſents aſſign and appoint, ſuch perſon, as by you our ſaid Counſel or the greater number of you from time to time ſhall be elected and choſen to be the preſent Governor, and the ſaid Governor and the reſt of our Commiſſioners, to be our preſent Counſel for the ſaid Colony or Plantation for Virginia; Giving and by theſe preſents granting unto you, and the greater number of you reſpectively, full power and authority, to execute and perform the Places, Powers and Authorities, of a Governor and Counſel of Virginia reſpectively, in manner and form aforeſaid; Nevertheleſs our will and pleaſure is, that you and every of you, from time to time proceed according to ſuch Inſtructions as you or they, do now or hereafter ſhall receive from us, or the Lords and others of our Privy Counſel here; And that you, our ſaid Governor and Counſel there for the time being, ſhall be from time to time ſubordinate, ſubject and obedient, to the Lords Commiſſioners and Committees here for our Plantations, for the time being, touching the preſent Government of that Plantation, and according to ſuch Orders and Directions, as they from time to time ſhall conceive and ſet down. Provided always, and our expreſs Will, Pleaſure and Commandment is, and We do hereby give full Power and Authority unto you the ſaid Sir William Berkeley, and ſuch other Perſon as ſhall be Governor there, for the time being according to the true intent of theſe Preſents, and our intention herein before declared, that upon the death or diſcontinuance of any one of our Counſel there, you the ſaid Sir William Berkeley, and ſuch other Perſon as ſhall be Governor there, and our Counſel there for the time being, or the greater part of them, ſhall elect, nominate and appoint, ſuch other ſufficient, able and diſcreet perſon or perſons, in the Room or Place of him or them ſo dying or diſcontinuing, during the Continuance of this our preſent Commiſſion; And that you ſhall from time to time, return and certify the names and qualities of ſuch perſon or perſons, ſo by you to be nominated and appointed, in the room of ſuch of our Counſel, there dying or diſcontinuing as aforeſaid, unto Us and the Lords and others our Commiſſioners for Plantations here, to the end,

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ſuch Perſon or Perſons to be by you and them ſo elected, nominated and appointed, in manner aforeſaid, may receive allowance or diſallowance, of ſuch their election or choice, in the room of ſuch of our Counſel there, as ſhall either die or diſcontinue, as there ſhall be Cauſe, or to us or our ſaid Commiſſioners for Plantations here, ſhall ſeem meet. And our further Will and Pleaſure is, That you the ſaid Sir William Berkeley and Richard Kemp, before you or either of you depart out of this our Kingdom of England, ſhall take ſuch oaths, before the Lord Keeper, Lord Privy Seal or either of them, for this our Kingdom, as the Governor and Counſel for the ſaid Plantation and Colony, have heretofore taken, and after ſuch oaths, by you the ſaid Sir William Berkeley and Richard Kemp ſo taken as aforeſaid, We do hereby charge and command you to adminiſter unto the ſaid Sir Francis Wyatt Knight, John Weſt, Samuel Matthews, Nathaniel Littleton, Chriſtopher Wormeley William Peirs, Roger Windgate, John Hopton, Thomas Poulet, George Minify, Henry Brown, William Brocas, Argol Yardley, Thomas Pettus, Thomas Willoughby, Richard Bennet, and Humfrey Higgeſon, and every of them, the like oath upon the holy Evangeliſt, as you or either of you have already taken, as Counſelor, of or for the ſaid Colony or Plantation; Willing and requiring you and them, to be diligent and attendant in the Execution of this our Service and Commandment, and alſo requiring all our loving Subjects there, to be directed and governed by you, or the greater number of you and them our Commiſſioners aforeſaid, in all things, according to the intention and true meaning of theſe Preſents; and laſtly, our Will and Pleaſure is that this our Commiſſion ſhall continue in force, until We, by ſome other Writing under our Signet, Privy Seale, or Great Seal of England, ſhall ſignify our Pleaſure to the contrary. In Witneſs &c. Witneſs our ſelfe at Weſtminſter, the ninth day of Auguſt.

PER IPSUM REGEM.

SECOND CHARTER *of* GORGEANA, *now* YORK.

[MSS. Original.]

TO all to whom theis preſents ſhall come I Sir Ferdinandoe Gorges Knighte Lord of the Province of Mayne within the Territories of Newe-England in America ſend greetinge. Whereas our Soueraigne Lord the Kinges Majeſtie that nowe is by his Highnes letters Patents under the greate ſeale of England bearinge date at Weſtminſter the third daie of Aprill in the fifteenth yeare of his Majeſties Raigne

Raigne of England &c. hath created mee the ſaid Sir Ferdinando Gorges abſolute Lord of the ſaid Province of Mayne, and thereby hath given vnto mee and my heires abſolute power and authoritie over the ſaid Province and of all the lands within the precincts and bounds of the ſame and over all the Inhabitants and people that from tyme to tyme ſhall bee reſident and abidinge within the lymitts and precincts of the ſaid Province for the welfare and good governement of all his Majeſties lovinge Subjects that ſhall have recourſe vnto the ſame. And whereas his ſaid Majeſtie by the ſame letters Patents hath further given and granted vnto mee, my heires and aſſignes full power leave licence and authoritie to erect raiſe and build from tyme to tyme, in the Province Territories and Coaſts aforeſaid and every or any of them, ſuch and ſoe many Forts, Fortreſſes, Platformes, Caſtles, Cities, Townes and Villages and all Fortifications whatſoever, and the ſame and every of them to fortifie and furniſhe with men, ordinance powder ſhott armour and all other weapons ammunicon and habilliments of Warre, both for defence and offence whatſoever as to mee my heires and aſſignes or any of them, ſhall ſeeme meete and convenient And likewiſe to committ from tyme to tyme the government Cuſtodie and defence thereof vnto ſuch perſon and perſons as to mee my heires and aſſignes ſhall ſeeme meete And to the ſaid ſeverall Citties Burroughes and Townes to grante letters Charters of Incorporacons with all liberties and thinges belonginge to the ſame, And in the ſaid ſeveral Citties Burroughes and Townes to conſtitute ſuch and ſoe many Marketts, Marts and Faiers, And to graunte ſuch meete tolles Cuſtomes Dueties and privilidges to or with the ſame as by mee my heires and aſſignes ſhall be thoughte fitt, as in and by the ſaid letters Patents amongſt Diverſe and ſundrie other privilidges, liberties, freedomes and iuriſdicons therein conteyned more playnlie and at large it doth and may appeare Nowe knowe yee that I the ſaid Sir Ferdinandoe Gorges, havinge alreadie (through God's aſſiſtance) ſetled the ſaid Province and Inhabitants thereof in a hopefull way of governmente, And beinge deſierous by all good waies and meanes to further and advance the ſame have thoughte fitt and reſolved on to create a Cittie or Towne within the ſaid Province and to incorporate the ſame and to appoynte therevnto ſuch Officers and Courtes of Juſtice and ſuch liberties privilidges and Juriſdiccons as are hereafter in theis preſents particulerlie ſett forth and declared And doe therefore for mee my heires and aſſignes graunte ordeyne and eſtabliſhe that the Circuite of the ſaid Incorporacon within the Province aforeſaid ſhall extend from the beginninge of the entrance in of the River Commonlie called and knowne by the name of Agamenticus and ſoe vp the ſaid River ſeaven Engliſhe Myles, and all alonge the Eaſte and North Eaſt ſide of the Sea-ſhore three Engliſhe Myles, in bredth from the entrance of the ſaid River and vp into the mayne-land ſeaven myles buttinge with the ſeaven myles from the ſea ſide vp the ſaid River the bredth of three myles oppoſite therevnto And that the ſaid Cittie or Towne ſhal be erected and

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builte in ſuch place of the ſaid Lymitts as ſhalbe thoughte moſt convenient by the aſſent of the deputie of the ſaid Province, the Steward generall thereof, and the Maior and Juſtices of the ſaid Cittie or Towne for the tyme beinge And to the end that the ſaid Citty or Towne and bounds or Lymitts of the Incorporacon before ſett forth and diſcribed may for ever hereafter be more perticulerlie knowne and diſtinguiſhed, My Will is that the ſame from henceforth bee nominated termed and called by the name of Gorgeana And by that name of Gorgeana the ſaid Circuite Precinctes Lymitt and Places aforeſaid I doe by theis preſents I doe for mee my heires and aſſignes name call erecte, found and eſtabliſhe, and by that name to have continewance for ever. And for the better governinge of the ſaid Cittie or Towne, and Lymitts beforemenconed I doe Conſtitute, aſſigne lymitt and appointe that from henceforth for ever hereafter there ſhall bee one bodie politique and Corporate which ſhall have perpetuall ſucceſſion and ſhall conſiſt of a Maior twelve Aldermen and four and twentie to bee of the Comon Councell there, and of the reſt of the Commonaltie of the ſaid Corporacon And that the Maior ſhallbe yearlie choſen by the Comon Councell and free Burgeſſes of the ſaid Corporacon or the greater parte of them vpon every five and twentieth day of March for ever. And that the Deputie Governor of the ſaid Province ſhall appointe, aſſigne and nominate the firſt Maior for the yeare to come, who ſhall enter into his Office upon the five and twentieth day of March nexte enſueinge the Date hereof And that the ſaid Deputie Governor ſhall likewiſe for this yeare appointe the Perſons that ſhalbee the Aldermen, and that the maior Parte of the Freeholders ſhall electe and nominate ſuch as ſhall bee of the Comon Councell there from tyme to tyme for ever, And I doe appointe that twoe of the ſaid Aldermen ſhallbe Juſtices within the ſaid Corporacon whoe ſhall be choſen for this yeare alſoe by my ſaid Deputie Governor And that the ſaid Maior Juſtices Aldermen Comon Councell and Inhabitants of the Lymitts and precincts aforeſaid and their Succeſſors ſhalbee in and by theis preſents incorporated to have a perpetuall Succeſſion for ever, in deede, facte, and name. And ſhalbee and bee one bodie Corporate and politique And further I doe by theis preſents for mee and my heires graunte vnto the ſaid Maior and Comonaltie and their Succeſſors that they and their Succeſſors ſhall bee and ſhall continewe perſons able and capeable in lawe from tyme to tyme as one bodie, and ſhall have full power and authoritie, and lawfull Capacitie and abilitie to purchaſe take hold receave enioy and to have to them and their Succeſſors for ever any Mannors lands Tenements Rents Royalties privilidges, Imunities Revercons Annueities hereditaments, goods and chattles whatſoever within the ſaid Province of Mayne of and from mee my heires and aſſignes, and the ſame or any parte thereof to alien or ſell away And to doe execute ordeyne and performe all other matters and thinges whatſoever belongeinge or apperteyninge to a Corporacon And I doe further conſtitute

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ordeyne and appoynte that there ſhall be for ever hereafter within the ſaid Corporacon a Recorder and a Towne Clerke, which ſhalbe from tyme to tyme elected and choſen by the Maior Aldermen Comon Councell and Comonaltie of the ſaid Corporacon or the greater parte of them, whereof the Maior for the tyme beinge to be Chief in the Eleccon and to have a double voice. And I doe further by theis preſents ordeyne and create within the ſaid Cittie or Towne and Corporacon a Courte leete or Laweday to bee held for ever twice every yeare within a Moneth of the Feaſtes of Eaſter and Michaelmas for the good governement and weale publique of the ſaid Corporacon, and for the puniſheinge of all Offenders the ſame to be kepte by the Recorder for the tyme beinge, and the fines payments and amerciaments from tyme to tyme to bee to the uſe of the Maior of the ſaid Towne for the tyme beinge for ever And I doe alſoe by theis preſents create and eſtabliſhe within the ſaid Corporacon a Courte of Juſtice for the hearinge and determyninge of all accons and differrences betweene Parte and Parte within the ſaid Corporacon (noe accon of debte exceedinge tenne pounds, and the power of the ſaid Courte not extendinge to the takinge away of life or member nor to any title of land) the ſame Courte to be held vpon Munday in every weeke for ever and the proceedinges to bee accordinge or as neere as may bee to the Courſe of his Majeſties Courte of Chancery at Weſtminſter, wherein the Maior for the tyme beinge to ſitt as Judge with the Recorder and Aldermen or ſoe many of the ſaid Aldermen as ſhallbe there, and the Towne Clarke to bee the Clarke and Myniſter of the ſaid Courte And in all Judgments and decrees it ſhall be lawfull for the Partie againſte whome any decree or Judgement ſhall paſſe to make an Appeale to mee or my deputie ſoe as the ſame bee done within foure daies after ſuch Judgement or decree made and not after nor otherwiſe And I doe further create and appointe twoe or fower Seargeants to attend on the ſaid Maior whoe ſhalbee called for ever Seargeants of the white rod and ſhall ſerve and returne all Proces and Precepts yſſueinge out of the ſaid Courte from tyme to tyme, and ſhalbee elected and choſen by the Maior and Aldermen of the ſaid Cittie or Towne, or the greater parte of them whereof the Maior to have a double voice And vpon any Miſdemeanor of ſuch Seargeant or Seargeants the Maior for the tyme beinge and the Aldermen or the greater parte of them ſhall haue power to putt them out and remove them, from the ſaid ſervice and ymployment And further I do graunte by theis preſents for mee and my heires vnto the ſaid Maior and Commonaltie and their Succeſſors that they and their ſucceſſors ſhall haue and enioy for ever a Comon ſeale to bee engraven according to their own Diſcrecons whereby the ſaid Incorporacon may or ſhall ſeale any manner of Inſtrument touchinge the ſame Corporacon and ſuch Mannors Lands Tenements rents Revercons Annueities hereditaments goods chattles affayers and any other thinges belongeinge vnto or any wiſe apperteyninge

to the ſame or any of them And I doe further for mee and my heires for the Conſideracons aforeſaid, and for divers other good cauſes and Conſideracons mee movinge by theis preſents abſolutelie giue graunte and confirme unto the ſaide Maior and Commonaltie of Gorgeana aforeſaid and their Succeſſors for ever all ſuch and ſo much of the aforeſaid lands lymitts places and precincts hereby before perticulerlie bounded out and expreſſed, as are not formerlie graunted and therevpon ſeiſed on and poſſeſſed by any other perſon or perſons (and are called by the name of Gorgeana aforeſaid) Togeather alſoe with all the havens, ports Creekes Rivers Waters Fiſhinges and all and ſingnler other Profitts Comodities, Juriſdiccons Privilidges Francheſſes and preheminencies within or belongeinge to the ſaid precincts and lymitts called Gorgeana aforeſaid or to any of them To Haue Holde Poſſeſſe and Enioye all and ſinguler the aforeſaid Lymitts precincts and places called Gorgeana and all and ſinguler other the ſaid graunted premiſſes with all and ſinguler their appurtenances to the ſaid Maior and Commonaltie and their Succeſſors and aſſignes for euer To the onelie uſe and behoofe of the ſaid Maior and Commonaltie their Succeſſors and aſſignes for evermore To bee holden of the Kinges Majeſtie his heires and Succeſſors as of his Mannor of Eaſte Greenewitche in the Countie of Kent in free and Comon Soccage and not in Capite nor by Knights ſervice as the ſaid Province of Mayne is nowe held Yeldinge and Paieing therefore yeaerlie to mee the ſaid Sir Ferdinando Gorges my heires and aſſignes one quarter of Wheate at Michaelmas yearelie and euery yeare for euer. And in regard that due alleagiance to his Majeſtie his heires and ſucceſſors may euer bee rendred (as in the ſaid Province) ſoe in and within the ſaid Incorporacon I doe by theis preſents order ordeyne and appointe that before any Maior nowe or hereafter to bee named of the ſaid Towne ſhall execute his Office he ſhall firſt take the Oath of Alleagiance towards his Maieſtie which ſhallbe adminiſtred by the Governor or Chancellor of the ſaid Province And likewiſe that the ſaid Juſtices and Comon Councell and the Recorder Towne Clarke and Sergeants and all other Officers there ſhall take the like Oathe to bee adminiſtred by the Maior for the tyme beinge And alſoe that the Governor or Chancellor of the ſaid Province ſhall adminiſter ſuch formall oath to the Maior as hee and the greater parte of the Councell of the ſaid Province and the greater parte of the Incorporacon ſhall deviſe and thincke meete for his due adminiſtringe of Juſtice within the ſaid Incorporacon and for his well orderinge of the ſame to the beſt good of the ſaid Incorporacon And that the ſaid Juſtices ſhall take an oath to the like purpoſe to bee adminiſtred by the Maior And that the Recorder Towne Clarke and others ſhall take ſuch Oathes as are proper to the due Execucon of their places and to ſuch other intents as to the Maior and Juſtices ſhall ſeeme moſt fitt for the beſt good of the ſaid Incorporacon and the ſame Oathes ſhalbee adminiſtred alſoe by the ſaid Maior in the ſighte of the ſaid Juſtices or any of them And I doe further for mee and my heires by theis preſents give and

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graunte unto the ſaid Mayor and Commonaltie full power leave licence and authoritie from tyme to tyme to make Wharfes and Keies for ladinge and vnladinge of goods and marchandizes And to erecte rayſe and build in and within the Lymitts and precincts of the ſaid Incorporacon ſuch and ſoe many Forts, Fortreſſes, platformes and other fortificacons whatſoeuer and the ſame and euery of them to fortifie with men and all manner of amunicon for the ſafetie of the ſaid Incorporacon and for the better ſafetie and ayde yf need bee of the ſaid whole Province as to the ſaid Maior and Commonaltie or the greater part of them with the priuitie and approbacon of the Governor and Councell of the ſaid Province and freeholders of the ſame or the greater parte of them ſhall ſeeme meete And in further Conſideracon of the tender regard I haue and beare to the further good and advancement of the happyneſſe and weale publique of the ſaid Cittie or Towne and Incorporacon and of the ſaid Province, and that tradinge and comerce may bee the more readilie advanſt I doe by theis preſents create ordeyne appoynte and eſtabliſhe a Market to bee kepte vpon Wenſday in every weeke for euer within the ſaid Towne, and that there ſhall be twoe Fayers held and kepte there euery yeare for euer hereafter (viz.) vpon the Feaſte daies of St. James and St. Paul And that all the benefitt of the Toll and other Cuſtomes incident and belongeing to Faiers and Marketts ſhall for euer redownd to the Vſe and Aduantage of the ſaid Maior for the tyme beinge And I doe further by theis preſents for mee and my heires licence and authorize the ſaid Maior Aldermen Councell and Commonalty (for the tyme beinge and the greater parte of them to make all ſuch good and wholeſome lawes for the better orderinge and gouerninge of the ſaid Corporacon as to them ſhall ſeeme meete (the ſame not beinge repugnant but agreeable as neere as may bee, to the lawes of this Kingdom of England, nor repugnant or contrarie to the Lawes of the ſaid Province nowe or hereafter to bee eſtabliſhed there And I doe further by theis preſents for mee and my heires give and graunte vnto the ſaid Maior and Commonaltie and Incorporacon ſuch and ſoe many privilidges liberties and freedomes (as farre as in mee lieth) as the Cittie of Briſtol holdeth by their Charter of Incorporacon And I doe further for me and my heires covenant with Succeſſors by theis preſents That yf they or their Succeſſors ſhall at any tyme make any doubte of the validitie in lawe of this preſent Charter or bee deſierous to haue the ſame renewed with amendement of ſuch Ymperfeccons as ſhall appeare fitt an eceſſarie t to be reformed That then vpon the ſuite and entretie of the ſaid Maior and Commonaltie and their ſucceſſors for the tyme beinge I and my heires ſhall forthwith paſſe a newe Graunte and Charter to the ſaid Maior and Commonaltie with ſuch further and b premiſſes as by the Councell on the behalfe of mee and my heires and of the ſaid Maior and Commonaltie and their ſucceſſors ſhall be reaſonablie deviſed or adviſed. And further that all doubtes or queſtions that may ariſe touchinge this

this preſent or thinge herein conteyned ſhall be conſtrued to bee and envre, and is hereby declared to bee and envre to the moſt benefitt and advantage of the ſaid Incorporacon and of every member thereof. And laſtly I doe for mee and my heires and commaund my Deputie Governor and all my Councell and Freeholders of the ſaid Province to take notice of this preſent Charter and to be aydinge and aſſiſtinge to the ſaid Maior and Commonaltie their Succeſſors and Aſſignes in all thinges touchinge the ſame.

In Witneſs whereof I the ſaid Sir Ferdinandoe Gorges haue herevnto ſett my hand and ſeale the firſt day of March in the ſeauenteenth yeare of the Raigne of our Soveraigne Lord Charles by the grace of God of England Scotland Fraunce and Ireland Kinge Defe of the Faith &c (1641)

FERDE: GORGES.

A Seal appendant.

A true Copy of the Original now in my Poſſeſſion as Clerk for the Town of York in the late Province of Main.

DANL. MOULTON.

THE *Combination of the Inhabitants upon* PISCATAQUA RIVER *for Government.*

[Hubbard's Hiſt.]

WHEREAS ſundry Miſchiefs and Inconveniencies have befallen us, and more and greater may, in regard of want of Civill Government, his gracious Majeſty haveing ſettled no order for us, to our knowledge, wee whoſe names are underwritten, being Inhabitants upon the River of Paſcataqua have voluntarily agreed to combine ourſelves into a body Politick, that wee may the more comfortably enjoy the Benefit of his Majeſties Laws, and doe hereby actually engage ourſelves to ſubmit to his Royall Majeſties Laws, together with all ſuch Laws as ſhall be concluded by a major part of the Freemen of our Society, in Caſe they be not repugnant to the laws of England, and adminiſtred in behalfe of his Majeſtie And this wee have mutually promiſed, and engaged to doe, and ſo to continue till his excellent Majeſtie ſhall give other orders concerning us. In witneſs whereof Wee have hereunto

hereunto ſet our hands, October 22. In the 16 year of the Reigne of our Sovereigne Lord, Charles by the grace of God, King of Great Brittaine, France and Ireland, Defender of the Faith, &c.

Subſcribed by

Thomas Larkham, Richard Waldrene, William Waldrene, with 38 more.

The CIVIL PRIVILEDGES *of the* INHABITANTS *of* MASSACHUSETTS.

[Laws of Maſſ. Bay, Edit. 1672. Fo. 1.]

FORASMUCH *as the free fruition of ſuch Liberties, Immunities, Priviledges, as Humanity, Civillity and Chriſtianity call for, as due to every Man in his Place and Proportion, without Impeachment and Infringement, hath ever been, and ever will be, the Tranquility and Stability of Churches and Commonwealth, and the denyall or deprival thereof, the diſturbance, if not ruine of both.*

It is therefore ordered by this Court and the Authority thereof, That no man's life ſhall be taken away, no Man's Honour or good Name ſhall be ſtained, no Man's perſon ſhall be arreſted, reſtrained, baniſhed, diſmembred, nor any wayes puniſhed; no man ſhall be deprived of his wife or children, no man's goods or eſtate ſhall be taken away from him, nor any wayes indamaged, under colour of Law, or countenance of Authority, unleſs it be by virtue or equity of ſome expreſs Law of the Country warranting the ſame, eſtabliſhed by a General Court and ſufficiently publiſhed; or in caſe of the defect of a Law, in any particular caſe, by the word of God. And in Capital Caſes, or in Caſes concerning diſmembring, or baniſhment, according to that word, to be judged by the Generall Court.

"LIBERTIES COMMON" [*of* MASSACHUSETTS.]

[Laws of Maſſ. Bay, Edit. 1672, Fo. 90.]

IT is Ordered, by this Court Decreed and Declared; That every man whether Inhabitant or Forreigner, free or not free, ſhall have liberty to come to any publick Court, Council or Town Meeting, and either by ſpeech or writing, to move any lawful ſeaſonable or material Queſtion, or to preſent any neceſſary Motion, Com-

plaint,

plaint, Petition, Bill or Information, whereof that Meeting hath proper cognizance, ſo it be done in convenient time, due Order and reſpective Manner. (1641.)

2. Every Inhabitant who is an Houſeholder, ſhall have free Fiſhing and Fowling in any great Ponds, Bayes, Coves and Rivers, ſo far as the Sea Ebbes and Flows within the precincts of the Town where they dwell, unleſs the Freemen of the ſame Town or the General Court have otherwiſe appropriated them:

Provided, That no Town ſhall appropriate to any particular perſon or perſons, any great Pond, containing more than ten Acres of Land, and that no man ſhall come upon anothers propriety without their leave, otherwiſe then as hereafter expreſſed.

The which clearly to determine;

It is Declared, That in all Creeks, Coves and other places about and upon Salt-water, where the Sea Ebbs and Flows, the Proprietor, or the Land adjoyning, ſhall have Propriety to the Low-water mark, where the Sea doth not Ebbe above a *hundred Rods*, and not more whereſoever it Ebbs further,

Provided that ſuch Proprietor, ſhall not by this liberty have power to ſtop or hinder the paſſage of Boats or other Veſſels, in or through any Sea, Creeks or Coves, to other mens Houſes or Lands.

And for great Ponds lying in Common, though within the Bounds of ſome Town, it ſhall be free for any man to fiſh and fowle there, and may paſs and repaſs on foot through any mans propriety for that end, ſo they treſpaſs not upon any mans Corn or Meadow. (1641, 47.)

3. Every man of, or within this Juriſdiction, ſhall have free liberty (notwithſtanding any Civil Power) to remove both himſelf and his Family, at their pleaſure out of the ſame, Provided there be no legal impediment to the contrary. (1641.)

"ECCLESIASTICAL" CONSTITUTION *of* MASSACHUSETTS.

[Laws of Maſſ. Bay, Edit. 1672, Fo. 43.]

ALL *the People of God within this Juriſdiction, who are not in a Church-way, and be Orthodox in Judgement, and not ſcandalous in Life*, ſhall have full liberty to gather themſelves into a Church Eſtate, provided they do it in a Chriſtian way, with the obſervation of the Rules of Chriſt revealed in his World.

Provided alſo, that the General Court doth not, nor will hereafter approve of any ſuch companies of men, as ſhall join in any pretended way of Church-fellowſhip, unleſs

unleſs they ſhall acquaint three or more Magiſtrates dwelling next, and the Elders of the Neighbour Churches where they intend to joyn and have their approbation therein.

2. It is further Ordered, that no perſon being a Member of any Church which ſhall be gathered without the approbation of the Magiſtrates and the ſaid Churches, ſhall be admitted to the freedom of this Commonwealth.

3. Every Church hath free liberty to exerciſe all the Ordinances of God, according to the Rule of the Scripture.

4. Every Church hath free liberty of Election and Ordination of all her Officers from time to time, provided they ſhould be able, pious and Orthodox.

5. Every Church hath alſo free liberty of Admiſſion, Recommendation, Diſmiſſion and expulſion, or Diſpoſal of their Officers and Members upon due Cauſe, with free Exerciſe of the Diſcipline and Cenſures of Chriſt, according to the Rules of the Word.

6. No Injunction ſhall be put upon any Church, Church officer or Member in point of Doctrine, Worſhip or Diſcipline, whether for Subſtance or Circumſtance beſides the Inſtitution of the Lord.

7. Every Church of Chriſt, hath freedome to celebrate dayes of Faſting and Prayer and of Thankſgiving, according to the Word of God.

8. The Elders of Churches and other Brethren and Meſſengers, have liberty to meet Monthly, Quarterly or otherwiſe, in convenient Numbers and Places for Conference and Conſultation, about Chriſtian and Church Queſtions and Occaſions, provided that nothing be concluded and impoſed by way of Authority from one or more Churches upon another, but onely by way of Brotherly Conference and Conſultation.

9. All Churches alſo have liberty to deal with any of their Members in a Church way, that are in the hands of Juſtice, ſo it be not to retard and hinder the courſe thereof.

10. Every Church hath liberty to deal with any Magiſtrate, Deputy of Court or other Officer whatſoever, that is a Member of theirs, in a Church way, in caſe of apparent and juſt offence given in their Places, ſo it be done with due obſervance and reſpect. But no Church Cenſure ſhall degrade or depoſe any man from any Civil Dignity, Office, or Authority he ſhall have in the Common-wealth.

11. The Civil Authority here eſtabliſhed, hath power and liberty to ſee the Peace, Ordinances and Rules of Chriſt be obſerved in every Church, according to his Word as alſo to deal with any Church-member in a way of Civil Juſtice, notwithſtanding any Church Relation, Office or Intereſt.

12. Private meetings for Edification in Religion, amongſt Chriſtians of all ſorts,

ſhall be allowed, ſo it be done without juſt offence, for number, time, place and other circumſtances. (1641.)

13. The Treaſurer of the Country, ſhall defray the charges of the Elders of our Churches when they are imployed by ſpecial Order of the General Court. (1642.)

Whereas it is the duty of the Chriſtian Magiſtrate to take care the People be fed with wholeſome and ſound Doctrine, and in this hour of temptation wherein the Enemy deſigneth to ſow corrupt ſeed. Every company cannot be thought able or fit, to judge of the Goſpel qualifications required in the publick diſpenſers of the Word, and all Societies of Chriſtians are bound to attend Order and Communion of Churches, conſidering alſo the rich bleſſing of God, flowing from the good agreement of the Civil and Church-eſtate, and the horrible miſchiefs and confuſions that follow on the contrary;

It is therefore Ordered, that henceforth no perſon ſhall publickly and conſtantly Preach to any company of People, whether in Church Society or not, or be Ordained to the Office of a *Teaching Elder*, where any two Organick Churches, Council of State, or General Court ſhall declare their diſſatisfaction thereat, either in reference to Doctrine or Practice, the ſaid Offence being declared to the ſaid company of People, Church or Perſon, untill the Offence be orderly removed: and in caſe of Ordination of any *Teaching Elder*, timely notice thereof ſhall be given unto three or four of the neighbouring Organick Churches, for their approbation. (1658.)

14. *Foraſmuch as the open contempt of Gods Word, and Meſſengers thereof, is the deſolating ſin of Civil State and Churches*;

It is Ordered, that if any Chriſtian (ſo called) within this Juriſdiction, ſhall contemptuouſly behave himſelf, towards the Word preached, or the Meſſengers thereof, called to diſpenſe the ſame in any Congregation, when he doth faithfully execute his ſervice and Office therein, according to the Will and Word of God; either by interrupting him in his Preaching, or by charging him falſely with any Error, which he hath not taught in the open face of the Church, or like a ſon of *Korah*, caſt upon his true Doctrine, or himſelf any Reproach to the diſhonour of the Lord Jeſus who hath ſent him, and to the diſparagement of his holy Ordinance, and making Gods wayes contemptible and ridiculous: that every ſuch perſon or perſons (whatſoever cenſure the Church may paſs) ſhall for the firſt Scandal be convented and reproved openly by the Magiſtrate at ſome Lecture, and bound to their good behaviour.

And if a ſecond time they break forth into the like contemptuous carriages, they ſhall either pay five pounds to the publick Treaſury, or ſtand two hours openly upon a Block or Stool, four foot high, on a Lecture day, with a paper fixed on his breaſt, written in Capital Letters,

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that others may hear and be aſhamed of breaking out into the like wickedneſs. (1646.)

And every Chriſtian as aforeſaid, that ſhall go about to deſtroy or diſturb the Order and Peace of the Churches eſtabliſhed in this Juriſdiction, by open renouncing their Church eſtate, or their Miniſtry, or other Ordinances diſpenſed in them, either upon pretence that the Churches were not planted by any new Apoſtle, or that Ordinances are for carnal Chriſtians, or for Babes in Chriſt, and not for ſpiritual or illuminated perſons, or upon any other ſuch like groundleſs conceit; every ſuch perſon who ſhall be found culpable herein, after due means of conviction, ſhall forfeit to the publick Treaſury, forty ſhillings for every month, ſo long as he ſhall continue in that his obſtinacy. (1646.)

15. *Wherever the Miniſtry of the Word is Eſtabliſhed, according to the Order of the Goſpel throughout this Juriſdiction;*

Every perſon ſhall duely reſort and attend thereunto reſpectively on the Lords dayes, and upon ſuch publick Faſt dayes, and dayes of Thankſgiving, as are to be generally obſerved by appointment of Authority. And if any perſon within this Juriſdiction ſhall without juſt and neceſſary cauſe, withdraw himſelf from the publick Miniſtry of the Word, after due means of conviction uſed, he ſhall forfeit for his abſence from every ſuch publick meeting *five ſhillings*. And all ſuch offences may be heard and determined from time to time, by any one or more Magiſtrates. (1646.)

16. *To the end there may be convenient Habitations for the Miniſters of the Word;*

It is Ordered, that the Inhabitants of every Town, ſhall take care to provide the ſame, either by hiring ſome convenient Houſe, for the uſe of the preſent Miniſter, or by compounding with him, allowing him a competent and reaſonable ſum to provide for himſelf, ſo long as he ſhall continue with them, or by building or purchaſing an houſe for the Miniſter, and his ſucceſſors in the Miniſtry, as the major part of the ſaid Inhabitants ſhall agree. And the particular ſums aſſeſſed upon each perſon by a juſt Rate, ſhall be collected and levyed as other Town Rates.

17. *That there may be a ſettled and incouraging Maintenance of Miniſters in all Towns and Congregations within this Juriſdiction.*

It is Ordered, that the County Court in every Shire, ſhall upon information given them of any defect, of any Congregation or Town within the Shire, order and appoint what Maintenance ſhall be alowed to the Miniſter of the place, and ſhall iſſue out warrants to the Select men to aſſeſs the Inhabitants, which the Conſtable of the ſaid Town ſhall collect and levy as other Town Rates. And it is hereby declared to be our intention that an honourable allowance be made to the miniſter, reſpect-

ing the ability of the place, and if any town ſhall finde themſelves burthened by the Aſſeſſments of the County Court, they may complain to the Court, which will at all times be ready to give juſt releaſe to all men. (1654.)

IT being the great duty of this Court, to provide that all Places and People within our Gates be ſupplied of an able and faithful Miniſter of Gods Holy Word;

Be it therefore Ordered and Enacted by this Court and the Authority thereof, That the County Courts in their reſpective precincts, do diligently and carefully attend the execution of ſuch orders of this Court, as concerns the Maintenance of the Miniſtry, and the purging of their Towns and Peculiars from ſuch Miniſtry and pubblic preachers as ſhall be found vicious in their lives, or perniciouſly Hetrodox in their Doctrine; and for all places deſtitute of an able and faithful Miniſtry, that they uſe their beſt endeavour for the procuring and ſetling of ſuch faithful Labourers in Gods Vineyard, and that the charges of their procuring, and ſetling, be levyed on the Inhabitants, as the Law for maintenance of Miniſters directs; and that for the future there may be no neglect hereof; the Preſidents of each County Court, ſhall duely from time to time give it in charge to the Grand-juries of their reſpective Courts, to preſent all abuſes and neglects of this kinde, and that with all Care and diligence the ſame be redreſſed, that ſo the Name of the Lord our God being known in our dwellings, and exalted in our gates, he may ſtill delight in us, to continue his favourable preſence with us, and our unparaleld enjoyments both temporal and ſpiritual, which through the rich mercy of God in Chriſt hitherto we have enjoyed, and not be provoked through our prophane ſlightings and deſpiſing thereof, to bereave us and our poſterities of ſuch choice Mercies. (1660.)

WHEREAS the Chriſtian Magiſtrate is bound by the Word of God to preſerve the Peace, Order or Liberty of the Churches of Chriſt, and by all due means to promote Religion in Doctrine and Diſcipline, according to the Word of God; and whereas by our Law, tit. *Eccleſiaſtical*, Sect. 4.

It is Ordered and Declared, that every Church hath free liberty of Calling, Election and Ordination of all her Officers, from time to time, provided they be able, pious and Orthodox: For the better explanation of the ſaid Law, and as an addition thereunto, this Court doth Order and Declare, and be it hereby Ordered and Enacted, that by the Church, is to be meant, ſuch as are in full Communion only; and that the teaching Officer or Officers of ſuch church or churches, we do intend ſhall be the Miniſter or Miniſters to all the People in that Town where ſuch Church or Churches are planted; and that no Inhabitant in any Town ſhall challenge a right unto, or act in the Calling or Election of ſuch Officer or Miniſter, until he be in full communion, upon the penalty of being accounted a diſturber of peace and order, and to be puniſhed by the Court of that Shire, either by Admonition, Security

rity for the good Behaviour, Fine, or Impriſonment, according to the quality and degree of the offence.

Pro WILLIELMO CLAIBORNE.

[Rymer, Vol. XX. P. 541. A. D. 1642.]

REX, ſexto die *Aprilis*, concedit *Willielmo Claiborne* Armigero, Officium Theſaurarii Regis infra Dominium de *Virginia* durante vitâ.

P. S.

THE *Parliament's Commiſſioners Receipt for Money.*

[Suffolk County Records.]

September 7th. 1642.

RECEIVED the day and yeare aboue written by vs whoſe names are ſubſcribed (being Treaſurers Ordayned by an ordinance of both houſes of this preſent Parliament to receive all ſuch moneys and Plate as ſhall be brought in according to Certayne Proppſitions printed and publiſhed together with the ſaid Ordinance) of Mr. Edward Jackſon * Nayler light Gold Amounting in Value with fower pounds tenn ſhilings money to the Summe of forty pounds for the purpoſes in the ſaid proppoſicons menconed wee ſay receaved 40^{lb}.

JOHN TOWSE,
JOHN WARNER.

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* Edward Jackſon at White Chapel near London (as appears by another Receipt) and it is ſuppoſed that the Gold and money mentioned were paid for the Purpoſe of ſupplying the *Protector's* Mint. Mr. Jackſon afterwards removed to New England and at his Requeſt the above Receipt (and two others) was recorded.

PLYMOUTH *Appointment of Commiſſioners to treat with* MASSACHUSETTS-BAY, *Sept.* 28. 1642.

[Plymouth Records.]

THE Court being mett together and haveing Intelligence of a generall Conſpiracy intended by the Natiues to cut off all the Engliſh in this land tooke the ſame into ſerious Conſideracon and duely weighing ſuch Informacons which they have receiued together with the circumſtances concurring therewithall do adjudge it abſolutely needful and requiſite to make ſpeedy preparacon throughout the Gouernment for a defenſive and offenſive warr againſt them, as if they were preſently to be ſent forth.

II. It is agreed and concluded that Mr. Edward Winſlow Mr. Timothy Hatherley and Captaine Miles Standiſh ſhalbe ſent into the Bay and have power to agitate and conclude with them for a preſent combinacon with them in the preſent warrs and to treate with them about a further combinacon or league but not to conclude that without Conſent of the Court here.

VOTE *of* PARLIAMENT *in Favour of* NEW-ENGLAND.

[Maſſachuſetts Records.]

Veneris Decimo Martii 1642.

WHEREAS the Plantations in New-England have by the Bleſſing of Almighty God had good and proſperous Succeſs without any publick Charge to this State, and are now likely to prove very happy for the Propagation of the Goſpel in thoſe Parts, and very beneficial and commodious to this Kingdom and Nation, The Commons now aſſembled in Parliament, do for the better advancement of theſe Plantations, and the Incouragement of the Planters to proceed in their Undertaking, ordain that all Merchandizes, Goods, that by any Merchant or any other Perſon or Perſons whatſoever ſhall be exported out of this kingdom of England into New England to be ſpent, uſed or employed there or being of the Growth of that Kingdom, ſhall be from thence imported hither or ſhall be laden or put on board in any Ship or Veſſel for neceſſarys in paſſing and Returning to and from; And all and every the Owner or Owners thereof ſhall be freed and diſcharged of and from paying and yeildine

yeildinge any Cuſtom, Subſidy, Taxation, Impoſition or other Duty for the ſame either inward or outward either in this Kingdom or New-England, or in any Port, Haven, Creek, or other Place whatſoever, until the Houſe of Commons ſhall take further order therein to the contrary And all and ſingular Cuſtomers Farmers and Collectors of Cuſtoms, Subſidys and Impoſts and other Officers Miniſters and Subjects whatſoever are hereby required and enjoined, that they and every of them upon the ſhewing forth unto them this Order, or a true Copy thereof, under the Hand of the Clerk of the Houſe of Commons, without any other Writ or Warrant whatſoever do make full, whole and entire and due Allowance and clear Diſcharge unto the ſaid Owners of the ſaid Goods and Merchandizes, their Factors, Servants and Agents according to the Tenour and true meaning of this Order.

H. ELSYNG,
Cler. Parl. D. Com.

To the Right Worſhipful the GOVERNOR *and* ASSISTANTS, *and the reſt of our worthy Friends in the Plantation of Maſſachuſetts-Bay.*

[Hutchinſon's Hiſtory of Maſſachuſetts-Bay.]

Our much honour'd Friends,

TAKING notice, ſome of us, of long time, of Mr. Roger Williams his good affections and conſcience, and of his ſufferings by our common enemy and oppreſſors of God's people the prelates; as alſo of his great induſtry and travels in his printed Indian labours in your parts (the like whereof we have not ſeen extant from any part of America) and in which reſpect it hath pleaſed both Houſes of Parliament to grant unto him and friends with him a free and abſolute charter of civil government for thoſe parts of his abode, and withal ſorrowfully reſenting, that amongſt good men (our friends) driven to the ends of the world, exerciſed with the trials of a wilderneſs, and who mutually give good teſtimony each of the other (as we obſerve you do of him and he abundantly of you) there ſhould be ſuch a diſtance. We thought it fit, upon divers conſiderations, to profeſs our great deſires of both your utmoſt endeavours of nearer cloſing and of ready expreſſing thoſe good affections (which we perceive you bear to each other) in the actual performance of all friendly offices. The rather becauſe of thoſe bad neighbours you are likely to find too near

you in Virginia, and the unfriendly viſits from the Weſt of England and from Ireland. That howſoever it may pleaſe the Moſt High to ſhake our foundations, yet the report of your peaceable and proſperous plantations may be ſome refreſhings to

Your true and faithful friends

Cor. Holland	Oliver St. John	Northumberland
John Blackiſtow	Gilbert Pickering	P. Wharton
Iſaac Pennington	Robert Harley	Tho. Barrington
Miles Corbett	John Gurdon	William Maſham.

ORDER *to record a Vote of Parliament.*

[Maſſachuſetts Records.]

10th of the 3d month. 1643.

WHEREAS it hath pleaſed the Lord, who of his free Grace and Mercy hath from time to time taken the Care of and provided for the Safety and Good of his poor Churches and people here in New England, ſo to move the hearts of the Honourable Houſe of Commons in England, as they have been pleaſed to make a ſpecial Order * in our Favour, for Acknowledgment of our humble Thankfulneſs and preſerving a grateful remembrance of the Honourable Reſpect from that High Court, It is ordered that the ſaid Order being ſent to us under the Hand of the Clerk of the ſaid Honourable Houſe of Commons, ſhall be entered among our publick Records to remain there to Poſterity.

PLYMOUTH *Appointment of Commiſſioners to ſign Articles of Confederation. June 6th.* 1643.

[Plymouth Records.]

IT is ordered and concluded by the Court that Mr. Edward Winſlow and Mr. William Collyer ſhall have full Commiſſion and Authority in Name of the whole Court to ſubſcribe the Articles of Confederacon (now read in the Court) with the

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* See the Order in Page 494.

Maſſachuſetts Conectacutt and New-Haven and to ſubſcribe the ſame in name of the whole and to affix thereto the Comon Seale of the Gouernment

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COPY *of a Letter from Mr.* ENDECOTT *to Governor* WINTHROP, *about* LA TOUR.

[Hutchinſon's Original Papers.]

Deare Sir,

I AM glad that La Tour hath not ayd from us; and I could wiſh he might not haue any from the ſhipps: For as long as La Tour and Daulney are oppoſites they will weaken one another. If La Tour ſhould prevail againſt him we ſhall undoubtedly have an ill neighbour. His father and himſelfe, as I am informed, have ſhed the blood of ſome Engliſh already, and taken away a pinnace and goods from Mr. Allerton. It were, (I think) good that that buſineſs were cleared before hee had either ayd or libertie to hire ſhipps, yea, or to depart.

Sir, it is not the manner abroad to ſuffer ſtrangers to view forts or fortifications, as it ſeems theſe French have done. I muſt needs ſay, that I feare we ſhall have little comfort in having any thing to doe with theſe idolatrous French. The countrey hereabouts is much troubled that they are ſo entertayned and have their libertie as they have to bring their ſoldiers aſhore, and to ſuffer them to trayne their men. And great jealouſies there are that it is not Daulney that is aymed at; ſeeing ſuch a ſtrength will neither ſute ſuch a poore deſigne, and La Tour a man of weak eſtate, as it is ſaid. Wherefore, other mens hands are employed, and purſes too, for ſome other ſervice. But I leave all theſe things to your ſerious conſiderations, deſireing the Lord to guide you therein to the glorie and peace of the churches here, to whoſe grace I commit you and humblie reſt,

Yours truelie ever,

JO. ENDECOTT.

19th of the 4th, 1643.

COPY *of a Letter from* THOMAS GORGES * *to Governor* WINTHROP.

[Hutchinſon's Original Papers.]

Piſcataquake, 28th *June* 1643.

Right worthy Sir,

I UNDERSTAND by Mr. Parker that you have written to me by Mr. Shurt, which as yet I have not received. It cannot be unknown to you the fears that we are in ſince La Tours promiſe of ayd from you; for my part, I thought fitt to certifye ſoe much unto you, and I doubt not only theſe parts which are naked, but all N. E. will finde D'Aulnay a ſcourge. He hath long wayted (with the expence of neer 800*l.* per month) for the apprehending of this ſupply, and if all his hopes ſhall be fruſtrated through your ayd, you may conceive where he will ſeeke for ſatisfaction. If a thorough worke could be made, that he might utterly be extirpated, I ſhould like it well; otherwiſe it cannot be thought but a ſoldier and a gentleman will ſeeke to revenge himſelf, having 500 men, 2 ſhipps, a galley and three pinnaſes, well provided: Beſides you may pleaſe to conceiue in what manner he now beſieges La Tour, his ſhipps lye on the S. W. part of the iſland at the entrance of St. Johns River, within which ſide is only the entrance for ſhipps, on the N. E. lye his pinnaſes; it cannot be conceived but he will fortifye the iſland, which will debarr the entrance of any of your ſhipps and force them backe, ſhewing the will, having not the power, to hurt him.

I ſuppoſe I ſhall for England in this ſhipp, I am not as yet certayn, which makes me forbear to be large at this tyme, or to deſire your commands thither. Thus in haſte I reſt,

Your honouringe friend and ſervant,

THO. GORGES.

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* Son to Sir Ferdinando Gorges.

ARTICLES

ARTICLES OF AGREEMENT Indented and made the thirtieth Day of June Anno Dom. 1643 between MounSeir Latour knight of the Orders of the King Leftenant Generall of new France of the one party, And Captaine Edward Gibbons and Thomas Hawkins Merchant and parteowners of the good ſhipp called the Seabridge the ſhipp Phillip and Mary the ſhipp Increaſe the ſhip Greyhound all of them of the Maſſachuſetts bay in New England of the other party In the behalf of themſelves and of their partners haue lett to freight to the ſaid mounſeir De la Tour all the ſaid ſhipps in manner and vppon Condicons following.

[Suffolk County Records, Lib. No. 1. Fo. 7.]

1. FIRST the ſaid Edward Gibbons and Thomas Hawkins and their Aſſignes in the behalfe of the owners of the ſhipp Seabridge doe covenant and promiſe that the ſaid ſhipp ſhall be compleatly fitted with a maſter and fowerteene able Seamen, and a boy, with fowerteene peece of Ordnance, with pouder and Shott fit for them, with tackle and apparell victualls for the ſaid ſixteene men for two months time from the tenth day of July next.

2. That the ſhipp Phillip and Mary ſhalbe compleatly fitted with an able Maſter fowerteene ſeamen and a boy and ten peece of ordinance with pouder and ſhott fitt for them, with tackle apparell and victualls, for the ſaid ſixteene men for two months from the tenth day of July next.

3. That the above named ſhipp Increaſe ſhallbe compleatly fitted with a maſter and twelve able Seamen and a boy, and ten peece of ordinance and ſhott fitting for them with tackle apparrell and victualls fitting for the ſaid men, for two months from the tenth day of July next.

That the ſhipp Greyhound ſhallbe compleatly fitted with fower murderers, and pouder and ſhott fitting for them, with tackle, apparell and victuals fitting for eight men, viz. a maſter and ſeuen able ſeamen with the ſaid ſhipp, Compleately fitted for two months from the tenth day of July next.

Now wee the above named Edward Gibbons and Thomas Hawkins doe hereby Covenant and promiſe, that the ſaid ſhipp called the Seabridge Phillip and Mary Increaſe and greyhound fitted as aboveſaid ſhallbe by the Providence of God (the winde and weather ſerving) bee ready vppon demaund to ſet ſajl from the Roades of Boſton and Charles Towne on or before the tenth day of July next after the date hereof; and from thence by God's Grace ſhall directly ſaile in company with the ſhipp Clement appertaininge to the ſaid Mounſeir De la Tour, the dainger of the Seas excepted, as neere unto the fort of the ſaid Mounſeir La Tour In the River of

St Johns as the abouenamed ſhipps may conveniently ride at anchor; And further wee promiſe to Joyne with the ſaid ſhipp Clement In the defence of ourſelues, and the ſaid Mounſeir La Tour againſt Mounſeir Dony his forces or any that ſhall unjuſtly aſſault or oppoſe Mounſieur de La Tour In his way to his forte as abouesaid, and for any further Aſſiſtance wee the ſaid Edward Gibbons and Thomas Hawkins promiſe no further then by a mutuall conſent of the ſaid Mounſeir La Tour with the Agent and his Counſell by vs appointed or the Major parte of them; now the ſaid Mounſeir La Tour for his parte doth couenant and agree to and with the aboue named Edward Gibbons and Thomas Hawkins not only to provide at his coſt and charge twenty Engliſh Souldjers for the ſhipp Seabridge and the like Nommber for the ſhipp Phillip and Mary for the ſhipp Increaſe and eight for the ſhipp Greyhound, which the ſaid Mounſeir La Tour doth promiſea this own propper coſt to provide convenient proviſion of victualls for two full months to be put aboard of each ſhipp before their departure out of the bay of Maſſachuſetts as alſo a convenient quantity of pouder and ſhott for twenty muſkiteers In the ſeueral ſhipps and if the ſaid Mounſeir La Tour ſhall deſire to put any of his own Souldjers aboard any of the ſaid fower ſhipps they ſhall not exceed aboue ten In any of the forenamed ſhipps and alſo further promiſeth at his own propper coſt to putt aboard convenjent Victualling for two months tjme for ſo many as the ſaid Mounſeir La Tour ſhall put aboard any of the ſeverall ſhipps before their departure of the ſaid bay of Maſſachuſetts but alſo ſhall pay or cauſe to be pajd by him the ſaid Mounſeir La Tour his executors adminiſtrators or aſſignes vnto the ſaid Edward Gibbons Thomas Hawkins or their aſſignes the full ſome of two hundered pounds ſtarling per month for the aforeſaid ſhipp Seabridge, and a hundred and twenty pounds per month for the ſhipp Phillip and Mary the ſaid Mounſeir La Tour providing at his oune coſt a maſter and fowerteene able ſeamen and a boy for the ſaid Phillip and Mary, and the ſaid Increaſe a hundred and fifty pound per month, and the ſhipp Greyhound fifty pound per moneth all which to be truly paid as abouesaid vnto Edward Gibbons and Thomas Hawkins or their aſſignes in Peltry at the prize currant as at the tjme of pajment they ſhall beare at Boſton in New England which the ſaid Mounſeir La Tour promiſeth ſhall be at or before the expiration of two months after the ſhipps departure from the bay of Maſſachuſetts, And although the foreſaid ſhipps ſhould terminate or end their vojadge before the two months are expired that the ſaid Mounſeir La Tour doth promiſe to pay the two full months pay according to the valew of the freight of every ſaid ſhipp as aboveſaid And if the ſaid Mounſeir La Tour ſhall haue occaſion to make uſe of the ſaid ſhipps any longer tjme which ſhall not exceed a month he promiſeth to pay the like proportion as aboue expreſſed for every ſaid ſhipp as abouesaid and ſo proportionably for any part of the ſaid moneth Further it is agreed before the ſealing hereof that the ſaid Mounſeir La Tour ſhall provide for the ſaid ſhipps a ſufficyent proportion

tion of pouder and ſhott for the nomber of Ordinance each ſhipp doth carry as farr as in him lyeth, and the ſaid Edward Gibbons and Thomas Haukins doe promiſe to allow for the ſaid pouder ſeuen pounds ſtarling per kentall and ſhott per kentall at the current prize at Boſton, to be alowed out of the hier of the ſaid ſhipps provided alwajes that ſo much of the ſaid pouder and ſhott as ſhall not be expended In the ſervice of the ſaid Mounſeir La Tour ſhallbe returned to him again vppon pajment at the prize aboue-ſaid. Further it is agreed vppon and promiſed by the ſaid Mounſeir La Tour vnto the ſaid Edward Gibbons and Thomas Hawkins that what pillage and Spoil of Goods ſhall be taken by the afore named ſhipp Clement and the ſaid foure Engliſh ſhipps or either of them ſhall be equally divided among the merchants ouners marriners and ſouldjers according to the vſual cuſtome In ſuch vojages And for the true performance of all and ſinguler articles, Couenants and Agreements and euery parte thereof according to the true Intent of theſe preſents the ſaid Mounſeir La Tour doth make ouer vnto the ſaid Edward Gibbons and Thomas Hawkins all that his fort in the River of St. John, with the gunns, pouder and ſhott thereunto belonging; and all his propriety in the ſaid River, and the Coaſt of Achady together with all his mooveables and Inmooveables therein In wittnes heareof the parties aboue named haue Interchangeably put to their hands and ſeales.

DE LA TOUR.
And a Seale.

Signed and Sealed in the preſence of us,
ROBERT KEAJNE,
WM. TING.
ESTIENNE DUPRU.

IT is agreed by and betweene the ſaid Mounſeir La Tour and Edward Gibbons and Thomas Haukins before the ſealing and delivery hereof that the Peltrje pajd by the ſajd Mounſeir Latour vnto the within bound Edward Gibbons and Thomas Haukins for the freight of the fower ſhipps within named and for the ſouldjers pay ſhall be at the appointment of Edward Gibbons and Thomas Haukins yet at the coſt of the ſaid Mounſeir La Tour ſent for England or Fraunce and what the ſajd Peltrje ſhall produce more then the freight of the ſaid fower ſhipps as by Couenant and the pay of the Souldiers which the ſaid Mounſeir Latour promiſeth to pay according to the agreement that the ſaid Edward Gibbons and Thomas Haukins ſhall haue made with any or all of them wittnes our hands this 8th of July 1643.

DE LA TOUR.

Wittnes
WM. TING
ROBT. KEAJNE
ESTIENNE DUPRU

IT

IT is further Agreed before the ſealing and ſigning hereof whereas the ſhipp Seabridge whereof Mr. Brock is maſter vnder God was ready for the ſervice of Mounſeir Latour to have ſett ſajle at his Appointment that the ſaid ſhipps freight ſhall begin from the twentj fift of June 1643. ſhee having from that day bin alwajes reddy vppon Demand to ſaile wittnes my hand Dated the 13 of July 1643.

DE LA TOUR.

Wittnes
ROBT. KEAJNE
WM. TING
ESTIENNE DUPRU.

Captaine William Ting and Captaine Robert Keajne doe teſtifie vppon their oathes that theſe three Subſcriptions two on this ſide the 3d. on the other ſide the leafe are the ſubſcriptions of Lord De la Tour, this 8th of the 2d. mo. 1652 before me.

WM. HIBBINS.

COPY *of a Letter from* RICHARD SALTONSTALL *and others to the Honourable Governor, Deputy-Governor, and Aſſiſtants, and the Reverend Elders at or near the* BAY.

[Hutchinſon's Original Papers.]

Much honoured in the Lord,

THOUGH wee doe, and may truly, profeſſe ourſelves to be both unfit and unwilling to interpoſe in a matter of ſuch ſtate and weight, as we conceive this French Affair to bee, yet the honour we owe to the religion we profeſſe, the loyalty we beare to our native country, eſpecially in its preſent condition and the reference wherein it ſtands to the kingdome of France, out of reſpect to the reputation of our government and governors, our tender care of the ſouls and lives of ſuch as are committed to the truſt thereof, the eye of care we ought to have upon our friends in the eaſt, our regard to our chriſtian confederates, ſo lately combined with us, in confidence of our piety and wiſdome, and the religious diſcharge of our own conſciences and duties, will not permit us to be ſilent, ſo long as there is any roome left for us to ſpeake. We have littel hope to revoke reſolutions ſoe farre tranſacted and ripened, but we preſume it ſhall not be taken amiſſe, if we labour to waſh our hands wholly of this deſigne, and what ill conſequences ſoever it may produce. The reaſons

ſons moving us hereto, are our deepe feares that the ſtated rules of undertaking warres, either by proper and direct enterprize, or by lending ayd, have not been ſo duly obſerved, as we could wiſh.

I. The grounds of warre ought to be jvſt and neceſſary. For the juſtice of this warre by La Tour againſt Daulnay, we conceive that all the light New England hath, or may probably receive, cannot be ſufficient for us to determine it poſitively; we underſtand it hath beene variouſly judged in the courts of France, one while for Daulnay, another while for La Tour, and it is not impoſſible that La Tour hath now rather outfriended than outpleaded Daulnay; we ſhall therefore run into an unchriſtian premunire of preſumption if we reſolve upon ſuch an enterprize with an irreſolved faith, *in cauſâ dubiâ bellum non eſt ſuſcipiendum.* For the neceſſity of it it muſt either be in point of charity towards de La Tour or upon ſome engageing intereſt of our owne. For any bond of charity, we conceive the ſpeech of the prophet to Jehoſhaphat, 2 Chron. 19. 2. and of Solomon, Proverbs 26. 17. not only diſcharge but ſtrongly prohibite us. 1. For owne intereſt, if it be cleare that Daulnay hath offered us ſuch great wrong as invites us to a warre which we much queſtion for it muſt be *atrox injuria)* we ſuppoſe it would ſtand more with the honor of our religion and plantation, to proceed profeſſedly and orderly againſt him, then for us Engliſh to become but margent notes upon a French text, which to us is as yet but apocripha; and to undertake him upon more certaine grounds, and at a more ſeaſonable time when he doth leſs expect us and is not ſo well Provided for us as now he is. Warres are extreme remedies and are not to be enterpriſed unleſſe their cauſes will bear out all manner of effects and conſequences, whether perſonall or nationall, which may enſue. And what may not enſue, if either of the nations to whom we belong will comment upon our action in a ſtate language? And how apt a time this is for miſconſtructions we cannot be ignorant. The ſpirit of warre is ſcholaſtick and jeſuitical, traverſing the very poſitions and principles, which peace hath held both dogmatical and irrefragable, even to the wonderment of rational men. We are informed that Daulnay deſires our friendſhip, and we are inclined to believe that if it did as well become him to appeal to our judgment as it ill beſeemes us to expect it, he would not refuſe to caſt himſelf upon our compromiſe.

II. Warres ought not to be undertaken without the counſell and command of the ſupreame authority, whence expeditions iſſue. It is not hard to ſay, the preſent reference betweene the kingdomes of England and France conſidered, that the ſubjects of the one ought not to wage warre againſt the other without a publick commiſſion of ſtate, unleſſe it be in defence upon a ſudden aſſault: Neither do we yet heare that La Tour himſelf hath any ſuch commiſſion for this his action; though if he had it were little to us. It is a rule obſerved amongſt confederates, that during any league of peace betweene them, one friend may not ayd another againſt any

part of his province till that part be proſcribed by the authority of a generall aſſembly whereof it is a member, and the confederates aſſured thereof in a ſtate way. The breach of this rule is a breach of league Publick actions of hoſtility worke farre and wide, having their national and confederal influences and conſequences. The daggers we draw here may happly prove ſwords in Chriſtendome for ought we know.

But this deſigne, whatever the cauſe was, ſeemed ſhy even of our New-Engliſh Counſel to warrant and guide it: How cloſely it concernes the peace and ſafety of the whole plantation may eaſily be conjectured, and how farre it declined the advice thereof in a repreſentative courſe we are very ſorry to conſider or mention.

We dare not ſo much impeach the honour of the adviſours as to think they would vaile the action with this, that they only permit and give way to voluntiers; for who knows not this to be a rule of ſtate, that not to forbid, when there is notice and power, is to bidd.

This were alſo to proclaime our weaknes, in proſtrating our government to nothing; for who is ignorant that to permit volunteirs to iſſue out in ayd of a friend is never done without an act of ſtate, where any ſtate is?

Daulnay, nor France, are not ſo feeble in their intellectuals as to deeme it no act of ſtate, when, upon conſultation with ſome of our chiefe perſons, our men are ſuffered, if not incouraged, to goe forth with our proviſion and munition upon the deſigne: We do therefore wonder that our people, having no warrant from authority, will, of their own heads, runne ſuch a hazard of their ſoules and lives, as can neither looke for any prayers or thankes for their good ſucceſſe, nor any ſuccours if it fares ill, and as it may fall out, rather call for the curſes of their friends from whom they went, and of poſterity yet unborne, and yet theſe poore men preſume that if Daulnay ſhould ſay, as the King of Egypt to Joſiah, what have I to do with thee, thou King of Judah? I come not out againſt thee this day, but againſt the houſe with whome I have warre, or if they ſhould ſhed innocent blood or feel their owne ſoules dropping ſuddenly into hell, they had their warrant from the Counſel and countenance of thoſe upon whom they might and ought to confide. It were to be wiſhed they had been taught the Germane proverb, which ſayth, He that loſeth his life in an unneceſſary quarrel dyes the Devill's martyr. Had they had the voyces of the people with them, it had beene better than nothing; but that wind ſeemes to us to blow ſtrong in the teeth of their voyage. We ſhall preſume to propound theſe queſtions. 1. If Daulnay or France ſhall hereafter demand any of them from us as enemies, or murtherers, whether will our court protect or deliver them? 2. If any of the parents or wives ſhall require their lives at our hands, who ſhall anſwer them? 3. If any of their widdowes or children ſhall require ſuſtenance, or any maimed

ed ſouldier in this expedition call for maintenance, who ſhall give it them? or if taken captive and made ſlaves, who ſhall reſcue or redeem them?

3. The ends of warre ought to be religious: What glory is intended hereby to God we ſee not, and how our peace ſhall hereby be ſettled we foreſee not, but ſuſpect it will rather be a beginning than an end of our troubles and feares, if we do not wholly ſuppreſſe Daulnay, we may be ſure of it. He is already very ſtrong, and if our ſhipps and munition fall into his hand, it will deminiſh from us, and incourage, exaſperate and ſtrengthen him.

If La Tour prevaile he is like to cavill with our men for ſome miſcarriages, or we with him for non-payment. The paſſage of our ſhips to and from England hath hitherto beene quiet and ſafe, in regard of the French, but we cannot ſo expect it hereafter, if they ſhall meete with any of La Tours or Daulnayes ſpecial friends, or at leaſt with the friends of ſuch of them as we ſhall ſeeme to wrong. *Bellum contra hoſtem non eſt ſuſcipiendum cum periculo reipublicæ*, &c.

4. Undertakings of warrs ought to bè probably feaſable, but this ſeemes not ſoe to us. We learne out of the Eaſt, by an eye witneſſe, that Daulnay is very ſtrong, in artillery, men and munition, at land, and very well provided at ſea, inſomuch that ſome of the Eaſt have conſulted to repayre to him in his ayd, leaſt he ſhould upon revenge annoy and ruine them; he is reported to be a valiant, prudent and experienced ſouldier and commander, and defendants have great advantages of aſſaylants, ſoe that we feare, our ſheep have haſtened to their ſlaughter.

5. Laſtly, the manner of enterpriſing warre calls for many rules, according to ſcripture and the cuſtome of religious and ingenuous nations, as to ſummon and give warning before they ſtrike: To heare what the defendant can pleade for the juſtice of his cauſe, or to offer termes of peace with equal articles, and to give ſpecial cautionary commiſſions and commands how farre to perſiſt in ayd, and when to deſiſt; but we neither can ſend fitt men for ſuch charges, nor can we preſcribe ſuch directions, without a profeſſed imbarquing ourſelves in the action; which, it ſeems, is wholly declined on our parts.

We therefore trouble you no further, only we itterate out proteſtation that we areand deſire to be held clea re and innocent of this undertakeing, and

Your worſhips in all chriſtian affection
and ſervices,

RICHARD SALTONSTAL,
SIMON BRADSTREET,
SAMUEL SIMONDS,
NATH. WARDE,
EZ. ROGERS,
NATH. ROGERS;
JOHN NORTON.

5th, 14. 1643.

part of his province till that part be proſcribed by the authority of a generall aſſembly whereof it is a member, and the confederates aſſured thereof in a ſtate way. The breach of this rule is a breach of league Publick actions of hoſtility worke farre and wide, having their national and confederal influences and conſequences. The daggers we draw here may happly prove ſwords in Chriſtendome for ought we know.

But this deſigne, whatever the cauſe was, ſeemed ſhy even of our New-Engliſh Counſel to warrant and guide it: How cloſely it concernes the peace and ſafety of the whole plantation may eaſily be conjectured, and how farre it declined the advice thereof in a repreſentative courſe we are very ſorry to conſider or mention.

We dare not ſo much impeach the honour of the adviſours as to think they would vaile the action with this, that they only permit and give way to voluntiers; for who knows not this to be a rule of ſtate, that not to forbid, when there is notice and power, is to bidd.

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5th, 14. 1643.

COPY *of a Letter from Mr.* ENDECOTT *to Governor* WINTHROP, *about the* FRENCH.

[Hutchinſon's Original Papers.]

Deareſt Sir,

I FINDE that your troubles are many, and eſpeciallie about this French buſines. The Lord in mercie ſupport you. I am much grieved to heare what I heare; and I ſee more of the ſpirits of ſome men than ever I thought I ſhould ſee. The Lord rebuke Satan. Sir, be of good comfort, I doubt not but our God that is in heaven will carry you above all the injuries of men; for I know you would not permitt any thinge, much leſs act in any thinge that might tend to the leaſt damage of this people, and this I am aſſured of, that moſt of Gods people here about us are of the ſame minde. The rumours of the countrey, you know, they riſe out of ignorance principallie, and much out of fears; wherefore I pray you, let there be ſatisfaction given as ſoone as you convenientlie can, in the way you wrote me of; for I finde the ſpirits of men in this countrie are too quick and forward. I cannot excuſe myſelfe, yet I bleſſe God, not to wrong you, but according to the information and light I received from you, I acted publiquelie ſo farre forth as to break down all prejudices againſt yourſelfe or the reſt that adviſed with you. Our prayers here are publiquely and privately for a good iſſue of it, and that continually. I hope God will look upon your ſinceritie in mercie and will heare our requeſts.

I ſee no good uſe of ſuch proteſtations as I heare of, but they may prove more dangerous than the French buſines by farre, if our God hinder not. However, it will be of uſe (God directing) to make a holy uſe of it.

Touching my coming to Boſton about the Dutch buſines, I cannot ſee how it will be of any uſe: For the meſſenger cannot have a determinate anſwer till the general court, and to morrow we have appointed many of the towne for the working of the fort, which, unleſs I be there, there will not any thing be done, and I received not your letter till this day after our lecture.

I conceive, if you doe any thinge about Mr. Oatleys buſines, that you alſo will be pleaſed to appoint ſome day and grant ſome ſummons to him, that he may bring in his witneſſes, that there may not be any juſt ground of exceptions given: For hee ſpeakes as if hee were much wronged in all the teſtimonies taken againſt him, and that he can diſprove them, &c.

Touching

Touching the note about Buſhrode, I ſhall bring it with me (God willing) the next court.

The Lord our God be with you, to uphold you, and to continue you amongſt us to do yet further ſervice, to whoſe grace I committ you.

Yours ever truelie to ſerve,

Salem, 26. 5th mo. 1643. JO. ENDECOTT.

The GOVERNOR'*s Anſwer to the* IPSWICH LETTER *about* LA TOUR.

[Hutchinſon's Original Papers.]

Gentlemen and beloved brethren,

IT is not unknowne to you, that (through the Lords gracious aſſiſtance) I have thankfully embraced and ſubmitted unto the wiſe and loveing adviſe and admonitions of any of my brethren; and truly it is ſtill my deſire ſo to doe: And this (I hope) may well ſtand (upon this preſent occaſion) with the maintenance of what is good and righteous in our cauſe, about this French buſines, and with that faithfulnes that is againe required of me towards you all, whom I love honour and reverence in the Lord. And though I have lately written to you about this matter, yet that which I have ſince received from you calls upon me for ſome addition and anſwer alſo; which I do not with any purpoſe to contend, but in diſcharge of my conſcience and duty of my place, and let the Lord do what ſeemes good in his eyes.

The proteſtation, which was directed to myſelfe firſt, but came to me through many hands (and who it ſeemes it was intended by you, being ſent unſealed) was entertained of me as proceeding from your zealous care for the publick ſafety: But, conſidered in itſelfe, it is an act of an exorbitant nature, out of rule, out of ſeaſon, and of dangerous conſequence. Such proteſtations are publique and judicial acts, and therefore muſt be warranted by ſome authority, which appears not in this. I know no law, order, cuſtome or &c. that can give power to 3 aſſiſtants, by any ſuch publick inſtrument, to contradict the proceedings of a greater number, the Governor alſo being one of them; and how it will conſiſt with the obligation of a freeman is alſo conſiderable. Suppoſe now, 3 other aſſiſtants and ſo many elders ſhould proteſt againſt your proteſtation, it would be of equal force, and as warrantable for ought I knowe. Againe, it comes not like Solomons apples of gold in

plates

plates of ſilver; it is *conſilium poſt factum*: Whereas, if you had ſent it in ſeaſon, it might perchance have ſtopped thoſe proceedings which you ſo much complaine againſt; whereas, at preſent (you know and may ſee) you do but beate the ayre, and ſtrive for that which (you are ſure) you cannot reach. It is alſo of dangerous conſequence in theſe reſpects. 1. It may be a preſident for others to attempt the like in any caſe; for you take upon you the ſole judgment of your owne act, and if others may have the like liberty, they may countenance their oppoſition to authority, as well in evill cauſes as in good. 2. It blowes a trumpet to diviſion and diſſention amongſt ourſelves, magiſtrates proteſting againſt magiſtrates, elders againſt elders, blameing, condemning, expoſeing brethren to the peoples curſes, and caſting them down to hell itſelfe; and all this muſt be indured while we walk after the light God affords us from his owne word, and the preſidential acts of former times, and of our owne generall court (as will be expreſſed hereafter) whereas the way of God, and of order, and of peace, had beene to have referred your grievance to the generall court, and not by ſuch an unwarrrantable proteſtation and outcry againſt your brethren to incite the people againſt them; whereof, if any evill effect ſhould follow, your proteſtation of innocencie would afford you little comfort or defence. 3. This is the ready way to haſten upon us the evill ſo much feared: For if Daulnay underſtand our diviſions to be ſuch, as he is like to have a party amongſt ourſelves, (as you declare intelligence to be) this may imboulden him to attempt that againſt us which, otherwiſe, he dared not have done. It is alſo againſt the rule of juſtice, your owne plea on Daulnays behalfe, for you paſſe ſentence and publiſh it without calling us to anſwer: It may be one or two of you have accidentally heard us ſpeake ſomewhat about it, but did you ever enquire of us, if we had any more to ſay for our ſelves, why judgment &c. For you will find we have more to ſay for ourſelves than you formerly heard, and it is a neceſſary conſequence, if you had power to be our judges, you had the ſame to require our anſwer. I intreate you to call to mind the beaten rule of equity, *Qui aliquid ſtatuit parte inaudita altera*, &c. We are condemned in court, in country, by private letters and by publick edict, and never aſked, Why have you done this? and all this carryed on, and unſeaſonably diſpenſed as no man can tell (nor do yourſelves propound) what you would have, or how it may tend to any publick good or prevention of that great danger which you ſuppoſe to hang over us; except it may be conceived that, either Daulnay will be pacified with a proteſtation, or the people will be ſtirred up to ſacrifice ſome of us to make their owne peace. You ſay, indeed, you will hereby be innocent of all the evill that may inſue, &c. Amen, ſay I; but ſurely wiſe men will not believe that ſuch a proteſtation will acquit you, either before God or men: No more than if one of the magiſtrates ſitting ſilent in the court while a man is condemned, and after he is executed ſhall tender a proteſtation of his diſſent from the ſentence.

And truly (brethren) you might have dealt a little more tenderly with us, for ſuch faileings as you have apprehended in our counſells, being the fruite but of a few houres conſultation; ſeeing yourſelves, (upon ſo many weekes deliberation) could not free your owne acts from ſuch miſcarriage as you ſee your proteſtation, out of date and out of courſe, doth hould forth.

This I thought needfull to tender to your wiſe and chriſtian conſideration, concerning your proteſtation in generall: Somewhat I muſt ſay to your arguments, beſide what may concerne them in my former writings. But, firſt, you may pleaſe to conſider that it cannot be denyed but that the Governor, aſſiſted with ſome of the magiſtrates, may take order for ſuch ſudden affaires of the ſtate as either need not, or cannot, ſtay the aſſembling of the general court; of which ſort, we conceived this was (the reaſons you may ſee in my former writing) and when, in ſuch caſes, we have proceeded according to our beſt ſkill and judgment, we are to be excuſed, and ſo it was wont to be: And the generall court ſeemes lately to have inlarged this truſt, when, by the order of (4) 1641, it gives power, out of court, to any 3 magiſtrates to do that which may occaſion a warre, with the Indians, as likely as this with the French: For they may give commiſſion to any maſter to right himſelfe upon the Indians, for his fugitive ſervant. By like authority it was that ſome of us diſarmed the Indians and impriſoned ſome of them, upon the late ſuſpicion: And although it was conceived to be full of danger, and proved troubleſome and chargeable, yet we were not reproved for it. Other inſtances might be brought, but in thoſe times, indeed, when ſuch proteſtations were not in uſe. Now, in this caſe of the French, wherein the onely doubt was, not whether we ſhould ingage ourſelves in a warre with La Toure againſt Daulney, or not; for, we know that neither the magiſtrates nor the generall court it ſelfe could determine that,* but whether it were ſafer or more juſt and honourable for us to ſtop the courſe of God's providence, offering us opportunity to ſave a diſtreſſed neighbour, to weaken a dangerous enemy without our chardge or engagement, or to ſuffer it to go on freely in its owne courſe. Of theſe two we judged the laſt to be the beſt &c. And of this opinion ſome of us ſhall ſtill be untill we ſee ſtronger arguments againſt it, than as yet we have met with.

Now for your arguments, (whereof ſome concerne the preceedings, others the conſequences) I will paſſe by that of Jehoſaphat as no parallel to our caſe; and ſee if I can free us from that of Prov. 26. And here it may be firſt obſerved, that he ſpeaks of one that paſſeth by, viz. That had no calling or invitation to deale in it. But 2, I will ſhew that this ſtrife between La Tour and Daulnay doth neerly concerne us: and firſt in point of duty, in that our diſtreſſed neighbour calls to us for

* No War could be declared without the conſent of the united Colonies.

help; a ſpeciall providence of God and his owne good opinion of our charitableneſs brought him to us, for ſome ends, and no other appearing to us, it was our duty to attend his; nor were we in this caſe to ſtand upon the juſtice of the quarrel betweene them, no more than Abraham did when Lot and the Sodomites were in preſent diſtreſſe; nor than any man would doe, if he ſaw his neighbour under foote and in danger to be killed, he would firſt reſcue him from danger, ere he enquire of the cauſe. And how we might withould ſuch helpe from La Tour which that providence which brought him hither, might here offer him in his apparent diſtreſſe and danger of utter ruine, I profeſſe I ſee no warrant.

For cleareing of this point I deſire you ſeriouſly to conſider an argument or two. 1. He is either a neighbour or no neighbour. If he be not a neighbour, then is he in no relation to us by the ſecond table, and then we may rob, beate, or kill him without breach of any commandment. But if he be a neighbour then muſt we do to him in his diſtreſſe, as we would have others do to us in ours. 2dly, if he be one of thoſe ALL, to whom by the rule of the Apoſtle we muſt doe good (as he muſt needs be, if he be either of the houſhould of faith or out of it) then that is the good we muſt do to him, which he hath moſt preſent neede of; and that we may not withould from him, when it is in our hands to give it him, Prov. 3. 27. I pray you conſider the place. 3dly, If my neighbours or mine enemies oxe be in that ſtate as he cannot get to his place without my helpe, I muſt helpe him to his place, Exod. 23. 4. much rather my neighbour himſelfe, and therefore La Tour and his company being now before us in that condition, we ought to helpe him hence. Theſe are plain and general rules and will not beare diſtinctions of proteſtant and papiſt: For the morall law being given to man by nature was given to him as man, not as man ſo and ſo qualifyed, and therefore when it requires duty from him, it requires it as from a man ſimply; and when it propounds man as an object of this duty, it propounds him alſo ſimply conſidered without diſtinction of good or bad, chriſtian or heathen, &c. and our Saviour inforceth this by propounding the example of our heavenly father, who cauſeth the ſun to ſhine upon the juſt and unjuſt, &c. and commands us to follow his example. And the goſpell makes this difference only, that in queſtion of priority, or neceſſity of neglect of one, the faithfull muſt be preferred. Therefore let us ſee ſomething of like authority to diſpenſe with theſe rules, or elſe we muſt conclude, that this (ſo farr as we deale in it) is a thing that concernes us. 4thly, As it concernes us in point of duty, ſo doth it alſo in point of danger. I have ſhewed in my former writing, how Daulnay hath dealt with us and our neighbours, when he was weak, what principles he is acted by, and what pretences he hath againſt us; and all hiſtories teach us that the ambition and covetouſnes of conquerors and ſpoylers, hath always increaſed with their power: And ſhall we not believe that Daulnay onely will be more calmed and moderated by acceſſe of

200 ſoldiers, and 4 or 5000l. yearely revenue: Let the Latin proverb be attended as well as the Germaine, and that will tell us that *res noſtra agitur, paries cum proximus ardet.* I may ſtrengthen this concernment by a late Germaine hiſtory. When the Biſhop of Spiers had begun to raiſe a ſtrong fortification upon his owne territories, the late Palatine of Rhine demoliſhed it by force of armes in a time of peace, becauſe it might be dangerous to him if warr ſhould ariſe. And the Lacedemonians being in league with the Athenians (their owne city being unwalled) would not ſuffer the Athenians to wall theirs, becauſe it concerned them in point of advantage. And it hath been uſual for the States of Europe to interpoſe in quarrels of their neighbour States, when they have concerned them but in point of danger onely. Now for your diſcourſe about our diſtinction betweene commanding and not forbidding, let the diſtinction be rightly ſtated as it concerns our practiſe, and not as you would put upon us, and we hope it will hould ſo well, as neither the adviſers nor the actors ſhall neede to be aſhamed to owne it. We diſclaime to have any hand in yielding leave to any of ours to go make warr upon Daulnay, but this we owne and no more, that we gave leave to ſuch as could be hyred, &c. to accompany La Tour and to conduct him to his owne place. And ſuch a permiſſion as this (though it were a commiſſion to this purpoſe) we ſtand ſtill to maintaine is no undertaking of warr, nor act of hoſtility, but a meere liberty of commerce, and if any bloodſhed ſhould follow upon it, it is accidentall, and not depending uppon this as any cauſe of it. Nor is it any juſt provocation of warr, or any breach of peace, nor ſo accounted among civil ſtates. I ſhall cleare it by an inſtance or two both private and publick. If I have a neighbour within a few miles of me ſuſpected to be a robber, if I ſend my ſervant to beat him and he doth ſo, I am a treſpaſſer; if he kill him, I am a murderer. But if a traveller comes by and tells me that he hath a chardge about him, and he is afraid to goe alone on his journey for feare of ſuch a man, and deſires me to let my ſervant go with him (if he be willing) though it be dangerous to his life, and may alſoe prove danger to mee or mine from ſuch robber: And if the traveller be now ſett upon by this robber and my ſervant kills him, we may both juſtify it.

I will give another inſtance. A merchant of Spaine being in London, by leave of the King of England, hires a London ſhip to tranſport him and his goods into Spaine; upon the way, a Holland man of warr meetes and fights with him, and men are ſlaine on both ſides, yet without any breach of peace on either ſide, or any act of hoſtility in the King of England, as it would have beene if he had granted a commiſſion to aſſault the Hollander: So that you may ſee there is a wide difference betweene giveing commiſſion to fight and giveing leave to be hyred to guard or tranſport. So as you muſt needs have beene miſtaken in the right ſtatinge of the diſtinction, or elſe I cannot conceive what your apprehenſions ſhould be of the

Engliſh and Iriſh and Scottiſh, who in ſoe greate numbers, for theſe many years, have ſerved the States againſt the Spaniards, and the Spaniards againſt the States, the Swedes againſt the Emperor, and *e contra*, without any breach of the peace between thoſe nations. But admit ſuch a permiſſion were againſt a rule of State; yet, if that rule of ſtate be againſt the rule of charity, it will not be hard to judge which muſt give place. I will conclude this argument with that which I touched in my former writing. That which is lawful for a private perſon to do, in the way of his calling, the magiſtrate (if he judge it expedient, or not hurtfull to the commonwealth) ought to furder or not to hinder him in it. But it is lawful for the owners and maſters of ſhipps and is in the way of their calling, to be hyred by La Tour, to convey him to his rightfull habitation, and we judge it no way hurtfull but advantagious to this commonwealth; therefore we did well according to the duty of our office, in yielding leave to them, and in not hindering them. And it is no ſufficient plea againſt it, to ſay that we know not the juſtice of his cauſe; for that will not concerne us in this caſe (and yet we do know it in good meaſure) But if our ſhipps ſhall be oppoſed in their lawfull courſe, the juſtice of their cauſe will lye in that: As for example: A man travaileing in a waggon in England, and carrying his goods with him, his creditor ſets upon the waggon to take his debtors goods from him by force, the waggoner may defend him and his goods, being now in his charge, without any reſpect to the former ingagement; for the juſtice of his cauſe ariſeth upon another ground. Neither is there any need to ſend to Daulnay before they goe (no, though they went of purpoſe to fight with him) for beſides divers examples in ſcripture to warrant the forbearance of it, the rule in Deut. 20. 10. gives other direction: When thou comeſt *neere to* a city to fight againſt it, thou ſhall ſend to offer peace, &c. This point being thus cleared, that we have not enterpriſed any warre in this our proceeding, all your complaints againſt us, and all your arguments tending that way do fall to the ground. This is not the caſe, neither are we the men, and therefore I ſhall not need to examine your reaſons and allegations againſt ſuch; nor am I willing to mention theſe paſſadges wherein our power ſeemes to be ſo much ſlighted. I dare not believe that you intended all that is held forth in them. I look at your queries alſoe as raiſed upon the ſame miſtaken grounds, which being now cleared to you, you will eaſily reſolve yourſelves about them. And yet this I will propound to your conſideration, which may be a full anſwer to them all in the moſt knotty conſtruction, viz. If our brethren ſhould erre in theire way and thereby bring themſelves into diſtreſſe, yet (if we muſt pardon them upon their repentance) ſure we may not deſert them, nor hide our eyes from theire miſery. If any of our confederates (through humane infirmity) ſhould againſt theire covenant, bring a juſt warre upon themſelves, yet if they call to us for helpe, and tender themſelves to

equal

equall ſatisfaction, we muſt not leave them to deſtruction. No relation amongſt men could ſtand or be uſefull, if meere errour (which we are all continually ſubject to) might diſſolve it, or obſtruct the vitall ſpirit which ſhould breathe in it.

Whereas you object that, in this permiſſion, we make the ſtate but a cypher: I anſwer, the ſtate hath the ſame influence into this which it hath into other merchants voyages, by a general and implicit conſent, which may be ſufficient in ſo free a ſtate as ours is; where there is no reſtraint upon perſons or ſhips (but upon ſpecial occaſion) they goe and come at their liberty.

Now for the point of danger. I conceive, firſt, the rule of the Apoſtle Peter will hould even in this caſe; while we do well we are not to be frighted with any terrour. Againe, there is no courſe or voyage undertaken by us, but it may expoſe the undertakers to perill, and may occaſion diſpleaſure and danger to us from abroad; but ſuch dangers have not hitherto deterred us from any probable way of our ſafety or advantage; nor have we ſuſtained any harme hitherto, by caſting ourſelves upon the Lord and his good providence in ſuch caſes. I will remember you of ſome. When we firſt ſet up reformation in our church way, did not this expoſe us to as greate an hazard as we could run, both from abroad and at home? Did not our friends in England, many of them, forewarne us of it ere we came away? Did not others ſend letters after us, to deterre us from it? Did not ſome among ourſelves (and thoſe no mean ones) inculcate our inevitable dangers at home, from no ſmall company left out of church fellowſhip, and civill offices, and freedome hitherto? Yet we truſted in God (though there appeared no meanes of ſafety) and went on our way; and the Lord hath ſtill preſerved us and fruſtrated all councells and attempts againſt us. Againe, when upon grievous complaints againſt us to the Lords of the Privy Counſel, of ſuch civil innovations amongſt us as we could not juſtify by the laws of that ſtate, a ſtrict order and command was ſent to us to deliver up our patent, or elſe to expect to have it fetched by force, what greater danger could be towards us than appeared in not obeying of this command? Yet we had then courage enough to returne an anſwer without our patent. When we undertooke a warre againſt the Pequots which no neceſſity put us upon, but only in point of conſcience (they had done us no injury) on others behalfe, there were more objections (in point of dangerous conſequences) againſt that, than againſt this; our friends of Plimouth complained of it, and wrote to us accordingly; ſo did our friends of Connecticot, laying forth the dangers we had expoſed them unto by it, wiſhing we had forborne to a fitter ſeaſon; but neither of them proteſting againſt it: Yet in due time the Lord's hand appeared in it, to the good of the whole country, and we felt but little of thoſe great dangers which were juſtly to be feared. Our intelligence was believed, which was heard long ſince, and hath been more certainly confirmed of late, that the

jeſuitical State * have had an evil eye upon us, a nd not without cauſe (as themſelves apprehend) and though we looke at this as the head of all foreign enmity, yet the Lord hath ſtill ſaved us, and that without any great impreſſion of feare upon our ſpirits. In the treaty about our confederacie, the doubtful conſtruction of it in England, the danger from a General Governor (eſpecially in regard of our brethren of Plimouth) the neceſſity of our being involved in the quarrel with the Dutch, on the behalfe of our brethren of Hartford, were taken notice of by the generall court and many of the elders, &c. yet neither would the court be deterred from entering into that brotherly league, nor were our elders or people troubled with feare of thoſe dangers. And now, lately, when we received Pumham and Sawconoco into our juriſdiction, the generall court conſidered how offenſive it would be to the Naraganſets, and ſo likely to ingage us in a warre with them; yet, the thing being lawful and expedient for us, and giving hope of opening a doore to the converſion of ſome of them, they would not let ſlip the opportunity of ſuch advantages, for the feare of doubtful dangers. More I might add: All amounts to this ſumme, the Lord hath brought us hither, through the ſwelling ſeas, through perills of pyrates, tempeſts, leakes, fires, rocks, ſands, diſeaſes, ſtarvings, and hath here preſerved us theſe many yeares from the diſpleaſure of Princes, the envy and rage of Prelates, the malignant plots of Jeſuits, the mutinous contentions of diſcontented perſons, the open and ſecret attempts of barbarous Indians, the ſeditious and undermineing practices of hereticall falſe brethren; and is our confidence and courage all ſwallowed up in the feare of one D'Aulnay? Admit we ſhould have ſtepped aſide out of our way, doth the favour and protection of our God wholely depend upon our perfect walking? Were we never out of our way before, under all our former mercies and deliverances? Did Abraham, Iſaack, Jacob, David, Jehoſaphat, the people of Iſrael, Judas, and others, never find protection and deliverance, when, by infirmity, they were found to be out of their way? If they did, why may not we ſtill ſeeke and hope for the like, ſeeing the Lords mercies indure for ever? For my part (if there were not other ſins, which God may have a controverſie with us for) I ſhould little feare any harm from this. If any breach were made in our peace, this is not the way to make it up. We may bring more diſpleaſure and danger upon ourſelves, by the diviſions and breaches of rule which may be occaſioned by our unſeaſonable ſtriveings about that which is now paſt remedie, than would otherwiſe ariſe from any miſcarriage in the buſines it ſelfe, in the worſt conſtruction that can be made thereof.

The feare of man bringeth a ſnare; but he that truſteth in the Lord ſhall be ſafe. Prov. 29. 24.

J. W. G.

COPY

*They were in great fear of the French when they ſettled under Richlieu, at Port Royal, and afterwards, when D'Aulnay came to Penobſcot. See *Maſſ. Hiſtory, V. I. p.* 28.

COPY *of a Letter from Mr.* SIMON BRADSTREET *to Governor* WINTHROP.

[Hutchinſon's Original Papers.]

Right worthy Sir,

I RECEIVED, together with others, two letters from yourſelfe, concerning the French Affaire, and had I not hoped that you ſhould have receaved a finall anſwer from us long before this tyme, I ſhould not have been ſo longe ſilent, nor ſhewed ſoe much ſeeming neglect, but being now almoſt out of hope of accompliſhing that which was intended, I thought meete to preſent you with theſe few lynes. Howe unpleaſing it was to mee for to exppreſſe my ſelfe by word or writeing contrary to the apprehenſion of your ſelfe and other friends, both godly and wiſe, whome I both love and honour, hee that is the ſearcher of hearts knoweth; and howe farr it was from my will or intent, when I ſett my hand to that letter you receaved, to caſt any diſhonour upon your ſelfe or others, I hope in tyme you ſhall know and be fully perſuaded of. The truth is, our ayding of Latour was very grievous to many hereabouts, the deſigne being feared to be unwarrantable by dyvers, as the caſe ſtands with us; of which number I confeſſe I was, and ſoe ſtill remaine one, and though the buſineſs was ſoe farr proceeded in before wee writt the letter, as (for my parte) I had noe hope of ſtayeing the ſhippes, yet ſome of us thought it might be of good uſe to intimate that ſome cautions might be given to thoſe that went, and they be ſtrictly required to obſerve the ſame, that ſoe the undertaking might be preſerved from ſinne and the common wealth from damage, ſoe much as the caſe was capable of, which cautions if refuſed, then to ſignifie under our hands, our not conſenting to the proceeding, with our reaſons thereof; but for any proteſtations againſt the act, condemning it, we never intended it, but frequently fully and expreſly declined it, ſoe the ſending the letter without thoſe cautions and after the ſhippes were gone, concernes thoſe to anſwer that did it, for my part I was much troubled att it ſo ſoone as I heard of it. What errors may be found in our letter for matter or manner of expreſſion (it being intended no otherwiſe than I have expreſſed) I ſhall be farr from owneing or juſtifyeing when they ſhall appear; this I can truly ſay, wee were ſolicitouſly carefull (according to the little tyme wee had) not to write any thing that might be matter of juſt offence, and I hope a favourable interpretation of words (our intention being rightly underſtoode) may free it from blame. Concerneing the arguments you alledge to warrant the deſigne, I ſhall forbear ſaying any thing att preſent, not haveing either of your letters by mee, but rather leave them to be anſwered by the elders, whoe it is likely will ſhortly viſit you upon other accounts, and for my ſelfe I hope to wait upon you att the court,

when

when wee may have an opportunity to ſpeak further about the ſame; and for thoſe many heavy imputations, which your laſt letter chargeth us with, being chiefly grounded upon the tyme and manner of ſending our letter (of which I had noe knowledge) I hope you will ſee cauſe to excuſe mee of, as noe wayes diſcerning the ſame, ſoe humbly praying the God of love and peace to preſerve us in peace and unity, and this whole plantation from wayes of ſin and provocation, I remain

your worſhips unfeignedly
to love and fear you in the Lord,

21ſt of 6th mo. 1643. SIMON BRADSTREET.

COPY *of a Letter from Mr.* ENDECOTT *to Governor* WINTHROP, *about the Miſdemeanors of* GRIFFIN'S *Company at* GLOUCESTER.

[Hutchinſon's Original Papers.]

Deareſt Sir,

I HEARD nothing further of Gloceſter buſines till the third day of this week at even, when I received a letter from Mr. Blinman, together with a complaint of the towne againſt Griffens companie for ſeveral miſdemeanors. And at the foote of the complaint a reference from yourſelfe and 3 other magiſtrates to me, for the redreſſe of them. I therefore diſpatched away a meſſenger betimes the next morning, with a letter to Mr. Griffen, that he would ſend me ſuch of his men whoſe names I had underwritten his letter, to anſwer to the miſdemeanors of ſabbath-breaking, ſwearing and drunkennes: And withall I ſent a letter with inſtructions to Mr. Blinman, with a warrant addreſſed to the conſtable; that if Mr. Griffen would ſend his men, that the conſtable ſhould attach their perſons and bring them before mee: If they did reſiſt or refuſe, not to ſtrive with them nor to uſe any provoking termes, but to take witneſs of their carriadge and to returne mee an anſwer; which here I have ſent you incloſed. I would have proceeded againſt them according to your former directions (to wit) with force; but I had rather, if you ſee good, try firſt another way, which is, to ſend a prohibition under your and divers of the magiſtrates hands beſides, forbidding Mr. Steephens and the reſt of the ſhip-carpenters there, or any where within this juriſdiction, upon ſome penaltie, not to worke a ſtroke of worke more upon Mr. Griffens ſhip till they had further order from the Governor, &c. I deſire therefore to heare from you what you would have done. In the meane tyme, I have written away another letter

to Mr. Griffen, wiſhing him to counſell his men (if he can command them) to ſubmitt to authoritie, ſeeing they ſtand out to their owne loſs and diſadvantage. What his returne will be you ſhall heare aſſoone as I can ſend it.

I pray you, good Sir, let me be excuſed from comeing to this court, for I am not fitted for winter journeys, and for ſuch bad wayes as we muſt paſſe.

I want much to hear of your ſonnes iron and ſteele. If the country will not be incouraged by ſo uſefull a deſigne, to enlardge themſelves for the advantage of it, I know not what will.

The Lord our good God in mercy keepe you and yours, to whoſe grace I committ you and reſt

Yours truelie and unfeignedly,

Salem, 1. 10 mo. 1643. JO. ENDECOTT.

I am glad to heare of your ſonne Mr. Steevens ſafe returne, together with his beloved. I deſire to be kindly remembered to them both.

A ſhort ACCOUNT *of the* *MAQUAAS INDIANS, *in* NEW-NETHERLAND, *their Country, Stature, Dreſs, Cuſtoms and Magiſtrates, written in the Year* 1644. *By* JOHN MEGAPOLENSIS *Jun. Miniſter there.*

[Tranſlated from the Dutch.]

THE Land here is in general like that in Germany; the Country is good and well provided with all the Neceſſaries of Life, except Cloaths, Linnen, Woolen, Stockings, Shoes, &c. they are all dear. The Country is very mountainous, ſome Land, ſome Rocks, and ſo exceeding high that they appear to touch the Clouds; thereon grows the fineſt Fir I ever ſaw; there are alſo in this Country, Oaks, Alder, Beech, Elm, Willow, &c. In the Foreſts, by the Water Side, and on the Iſlands, there grows wild Abundance of Cheſnuts, Plumbs, Hazle Nuts, large Walnuts of ſeveral Sorts, and of as good a taſte as in the Netherlands, but they have a ſomewhat harder ſhell: the Hills are covered with Thickets of Bilberries, the flat Land near the Rivers is covered with Strawberries, which grow in ſuch Plenty in the Fields, that we go there and lie down and eat them; Vines alſo grow here naturally

* Mohawk.

in great Abundance along the Roads, Paths, Creeks, and you find them wherever you turn youſelf. I have ſeen many Pieces of Land where Vine ſtood by Vine and grew very luxuriant; climbing up above the largeſt and loftieſt Trees, and although they were not cultivated, the Grapes were as good and ſweet as in Holland. Here is alſo a Sort of Grapes which grow very large, each Grape as big as the end of one's Finger, or a middle ſized Plumb, and becauſe they are ſomewhat filmy and have a thick Skin we call them Speck Druyven*. If we would cultivate the Vines we might have as good Wine as they have in Germany or France. I had myſelf laſt Harveſt a Boat Load of Grapes in Preſs: while the Wine was new it taſted better than French or Rheniſh Muſt, and the Colour of the Grape Juice is ſo high a red, that one Wine Glaſs full will colour a whole Mug of white Wine. In the Foreſts is great Plenty of Deer, which in Harveſt time and Autumn are as fat as any Holland Deer can be; I have had them with Fat more than two Fingers thick on the Ribs; and likewiſe that they had no other than clear Fat, and could hardly be eaten. There are alſo many Turkies as large as in Holland, but in ſome years leſs than in others: the year before I came here there were ſo many Turkies and Deer that they came to the Houſes and Hog Pens to feed, and were taken by the Indians with ſo little Trouble, that a Deer was ſold to the Dutch for a Loaf of Bread, or a Knife or even for a Tobacco-Pipe, but now we commonly give for a good Deer ſix or ſeven gulders. In the Foreſts alſo are many Partridges, Pheaſants and Pidgeons that fly in Flocks of thouſands, and ſometimes 10, 20, 30, and even 40 and 50 are killed at one Shot: we have here too a great Number of ſeveral Kinds of Fowl, Swans, Geeſe, Ducks, Widgeons, Teal, Brant, which are taken by Thouſands upon the River in the Spring of the Year, and again in the Fall fly away in Flocks, ſo that in the Morning and Evening a Man may ſtand ready with his Gun before his Houſe and ſhoot them as they fly paſt. I have alſo had here ſeveral meals of Elks, which were very fat and taſted ſomething like Veniſon, and beſides theſe profitable Beaſts we have alſo Land-Lions†, Bears, Wolves, Foxes, and particularly very many Snakes, which are large and ſo long as 8, 10 and 12 Feet; among others there is a Sort of Snake, which we call Rattleſnake, from a certain rattle which is in its tail, two or three fingers breadth long, and has ten or twelve joints, and with this rattle it makes a noiſe like the *Crekels*‡ its colour is variegated like our large ſpotted Dogs; they have very ſharp Teeth in their Mouth, and dare to bite Dogs; they do not fly from either Man or Beaſt, but fall on and bite them, and their Bite is very poiſonous, and commonly even deadly too. As to the Soil of this Country, that on the Mountains is a reddiſh

Sand

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* Pork-Grapes.

† This is a literal Tranſlation; I ſuppoſe the Author meaned Panthers.

‡ An Inſtrument uſed by the Watch in Holland.

Sand or Rock, but in the low flat Lands, and along the Rivers, and even in the Sides of the Mountains for an hundred or two hundred Paces up there is often Clay-Ground: I have been up the Mountains here, as high as a Church, to examine the Soil, and have found it to be Clay, and in this Ground there appears to be a ſingular Strength and Virtue, for bearing a Crop, for a Farmer here told me that he had clean Wheat off the ſame kind of Land eleven Years ſucceſſively without ploughing it or letting it lay fallow. The Butter here is clean and yellow as in Holland. Paſt this Land runs an excellent River, about 500 or 600 Paces wide: this River riſes in the *Mahakas* Country about four Miles* North of us; there it comes between two high rocky Shores, and falls from a Height equal to that of a Church, with ſuch a Noiſe that we can ſometimes hear it with us. In the beginning of June twelve of us took a Ride to ſee it; when we came there we ſaw not only that the Water fell with ſuch a Noiſe that we could hardly hear one another, but it daſhes againſt the Rocks with ſuch force that it rebounds and raiſes a Fog in ſtill Weather, ſo that all the Time it was as if it had been raining, and the Trees on the Hills there (which are as high as *Schoorler Duyn*) had their Leaves wet exactly as with Rain: the Water is as clear as Chryſtal and as freſh as Milk. I and another with me ſaw there in clear Sun Shine, when there was not a Cloud in the Sky, as we ſtood upon the Rocks oppoſite the Fall of the River, at a great Depth, half a Rainbow, or a Quarter of a Circle, of the ſame Colour with the Rainbow in the Sky, and when we had gone about ten or twelve Rods farther Northward from the Fall, along the River, we ſaw very plainly in the Water a complete Rainbow, or half a Circle, juſt the ſame as if it had been in the Clouds, and this is always to be ſeen by thoſe who go there. In this River is great Plenty of ſeveral Kinds of Fiſh, Pike, Eels, Perch, Lampreys, Suckers, Cat Fiſh, Sun Fiſh, Shad, Baſs, &c. In the Spring, in May, the Perch are ſo plenty, that one Man with a Hook and Line will catch in one Hour as many as ten or twelve can eat: my Boys have caught fifty in leſs than an Hour, each a Foot long: they have a three-pronged Inſtrument with which they fiſh, and draw up frequently two or three Perch at once. There is alſo in the River great Plenty of Sturgeon, which we Chriſtians do not make uſe of but the Indians eat them greedily. In this River too are fine Iſlands of ten, twenty, thirty, fifty Morgen† of Lands, which is very good, but the worſt of it is, that by the melting of the Snow, or heavy Rains the River probably overflows and covers that low Land. This River ebbs and flows as far as this place although it is thirty-ſix Miles inland from the Sea.

What relates to the Climate of this Country, and the Seaſons of the Year, is that here the Summers are pretty hot ſo that for the moſt Part we are obliged to go in our

* A Dutch Mile is equal to four Engliſh.
† A *Morgen* is about two Acres.

our Shirts, and the Winters are very cold. The Summer continues till All Saints Day, but then the Winter ſets in the ſame Manner as it commonly does in December, and it freezes ſo much in one Night that the Ice will bear a Man; even the River itſelf, in ſtill Weather, is covered with a hard Cruſt, and freezes in one Night ſo much, that the ſecond Day we can go over it, and this Freezing continues commonly three months; for although we lay here in 42° yet it always freezes ſo, but there comes ſometimes a warm and pleaſant Day, yet the Thaw does not continue, but it freezes again till March, and then commonly the River firſt begins to open, ſeldom in February. The greateſt Cold we have from the North Weſt, as in Holland from the North Eaſt. The wind here is very ſeldom Eaſt, but almoſt always South, South Weſt, North Weſt and North.

In our ſhorteſt Winter Days we have nine Hours Sun; in the Summer, in our longeſt Days, about fifteen Hours. We lie ſo far Weſt of Holland that I judge you are about four Hours before us, ſo that when it is *ſix* o'Clock in the Morning with us, it is *ten* with you, and when it is *Noon* with us, it is *four* o'Clock in the Afternoon with you.

The Inhabitants of this Country are of two Kinds; 1ſt. Chriſtians ſo called; 2d. Indians: of the Chriſtians I ſhall ſay nothing; my Deſign is to ſpeak of the Indians only: theſe among us are of two Kinds, 1ſt. the *Mahakinbaas*, or as they call themſelues, *Kajingahaga*; 2d. the *Mahakans*, otherwiſe called *Agotzagena*. Theſe two Nations have different Languages, each having an Affinity to the other, as the Dutch and Latin. Theſe People have formerly carried on a War againſt each other, but ſince the *Mahakanders* were ſubdued by the *Mahakobaas*, a Peace has ſubſiſted between them, and the conquered are obliged to bring a yearly Contribution to the others. We live among both theſe Kinds of Indians, and they coming to us from their Country, or we going to them, do us every Act of Friendſhip. The principal Nation of all the Savages and Indians hereabouts with which we are connected, are the *Mahakuaas*,* who have laid all the other Indians near us under Contribution. This Nation has a very heavy Language, and I find great Difficulty in learning it ſo as to ſpeak and preach to them fluently: there are no Chriſtians who underſtand the Language thoroughly; thoſe who have lived here long can hold a kind of Converſation, juſt ſufficient to carry on Trade, but they do not underſtand the Idiom of the Language. I am making a Vocabulary of the *Mahakuaa* Language, and when I am among them I aſk them how Things are called; then, as they are very dumb, I cannot ſometimes get an Explanation of what I want. Beſides what I have juſt mentioned, one will tell me a Word in the *Infinitive*, another in the *Indicative* Mood; one in the *firſt*, another in the *ſecond Perſon;* one in the *Preſent*,

* Mohawks.

another in the *Præterperfect* Tenſe: So I ſtand ſometimes and look, but do not know how to put it down: and as they have their *Declenſions* and *Conjugations*, ſo they have their *Increaſes* like the Greeks, and I am ſometimes as if I was diſtracted, and cannot tell what to do, and there is no Perſon to ſet me right; I muſt do all myſelf in Order to become an *Indian Grammarian*. When I firſt obſerved that they pronounced their Words ſo differently, I aſked the Commiſſary of the Company what it meaned, and he told me he did not know, but imagined they changed their Language every two or three Years; I told him it could never be that a whole Nation ſhould ſo generally change their Language;—and though he has been connected with them theſe twenty Years, he can afford me no Aſſiſtance.

The Indians in this Country are of much the ſame Stature with us Dutchmen; ſome of them have very good Features, and their Bodies and Limbs are well proportioned; they all have black Eyes, but their Skin is tawney: in Summer they go naked, having only their Privities covered with a Piece of a Skin: The Children and young Folks to 10, 12, and 14 Years of Age go Mother-naked: In Winter they hang looſely about them a Deer's, or Bear's, or Panther's Skin, or they take ſome Beaver and Otter Skins, or Wild-Cat's, Raccoons, Martin's, Otters, Mink's, Squirrel or ſeveral Kinds of Skins, which are Plenty in this Country, and ſew ſome of them upon others, until it is a ſquare Piece, and that is then a Garment for them, or they buy of us Dutchmen two and an half Ells of Duffils, and that they hang looſely on them, juſt as it was torn off, without any ſewing, and as they go away they look very much at themſelves, and think they are very fine. They make themſelves Stockings and Shoes of Deer Skin, or they take the Leaves of their Corn, and plat them together and uſe them for Shoes. The Women, as well as the Men, go naked about the head: the Women let their Hair grow very long, and tie it, and let it hang down their Backs: ſome of the Men wear their Hair on one Side of the Head, and ſome on both Sides, and a long Lock of Hair Hanging down: on the top of their Heads they have a Streak of Hair from the Forehead to the Neck, about the Breadth of three Fingers, and this they ſhorten till it is about two or three Fingers long, and it ſtands right on End like Hogs Briſtles; on both Sides of this Streak they cut the Hair ſhort off, except the aforeſaid Locks, and they alſo leave on the bare Places here and there ſmall Locks, ſuch as are in Sweeping-Bruſhes, and they are very fine. They likewiſe paint their Faces, red, blue, &c. and then they look like the Devil himſelf. They greaſe their Heads with Bears-greaſe, which they always carry with them for this Purpoſe in a ſmall Baſket; they ſay they do it to make their Hair grow, and prevent their having Lice. When they travel they take with them ſome Maize,* a Kettle, a wooden Bowl, and a Spoon; theſe they pack up

* Indian Corn.

and hang on their Backs, and when they are hungry they make a fire and cook :— they can get Fire by rubbing Pieces of Wood very briſkly againſt one another. They live in common without Marriage, but if any of them have Wives the Marriage continues no longer than they think proper, and then they ſeparate, and each takes another Partner. I have ſeen thoſe who had parted, and afterwards lived a long Time with others, come together again and be Man and Wife, and though they have Wives, yet they will not leave off going a wh—g, and if they can get to Bed with another Man's Wife, they think it a Piece of Wit. The Women are are exceedingly addicted to Wh—g; they will lie with a Man for the Value of one, two, or three Shillings,* and our Dutchmen go very much after them.

The Women, when they have lain in, go about immediately afterwards, be it ever ſo cold————————, or they waſh themſelves and the young Child in the River or the Snow. They will not lie down (for they ſay that if they did they ſhould ſoon die) but keep going about. They are obliged to cut Wood, to travel three or four Miles with their Child, in a Word, they go, they ſtand, they work as if they had not lain in, and we cannot ſee that they ſuffer any Injury by it; and we ſometimes try to perſuade our Wives to lay in ſo, and that the Way of lying in in Holland is meer Trifling. The Men have great Authority over their Wh—s, and if they do any Thing which affronts them, and raiſes their Paſſion, they take an Axe and knock them in the Head, and there is an End of it. The Women are obliged to prepare the Land, to mow, to plant, and do every Thing; the Men do nothing except hunting, fiſhing, and going to War againſt their Enemies: they treat their Enemies with great Cruelty in Time of War, for they firſt bite off the Nails of the Fingers of their Captives, and cut off ſome Joints, and ſometimes the whole of the Fingers; after that the Captives are obliged to ſing and dance before them ſtark naked, and finally they roaſt them before a ſlow Fire for ſome Days, and eat them: the common People eat the Arms, Buttocks and Carcaſs, but the Head-men eat the Head and the Heart. Our *Mahakas* carry on great War againſt the Indians of *Canada*, on the River *St. Lawrence*, and take many Captives, and ſometimes there are *French Chriſtians* among them. Laſt Year our Indians got a great Booty from the *French* on the River *St. Lawrence*, and took three *Frenchmen*, one of whom was a Jeſuit; they killed one, but the Jeſuit (whoſe left Thumb was cut off, and all the Nails and Pieces of his Fingers were bitten) we releaſed and ſent him to *France* by a Yacht which was going to *Holland*. They ſpare all the Children from ten to twelve Years old, and all the Women they take in War, unleſs the Women are very old, and then they kill them. Though they are very cruel to their Enemies, they

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* A Dutch Shilling is a Coin of ſix Stivers, worth about Sixpence Halfpenny Sterling.

are very friendly to us: we are under no Apprehenſions from them; we go with them into the Woods; we meet with one another ſometimes one or two miles from any Houſes, and are no more uneaſy about it than if we met with Chriſtians: they ſleep by us too in our Chambers; I have had eight at once, who laid and ſlept upon the Floor near my Bed, for it is their cuſtom to ſleep only on the bare Ground, and to have only a Stone or a Bit of Wood under their Heads, they go to Bed very ſoon after they have ſupped, but riſe early in the Morning; they get up before Day Break. They are very ſlovenly and dirty; they neither waſh their Face nor Hands, but let all the Dirt remain upon their tawney Skin, and look as dirty as Hogs. Their bread is Indian Corn beaten to Pieces between two Stones, of which they make a Cake and bake it in the Aſhes; they eat with it Veniſon, Turkies, Hares, Bears, Wild Cats, their own Dogs, &c. The Fiſh they cook juſt as they get them out of the Water, without cleaning, and the Entrails of Deer in the ſame Manner; they cook them a little, and if the Entrails are tough, they take one End in their Mouth and the other in their Hand, and cut them off between their Hand and their Mouth, and then eat them: So they do commonly with the Fleſh, but they cut it a little and lay it on the Fire ſo long as till we could go from the Houſe round the Church, and then it is done, and when they eat it the Blood runs down their Chins. They can take a Piece of Bears-Greaſe as large as two Fiſts, and eat it without any Bread. It is natural to them to have no Beards, not one in an hundred has any Hair about his Mouth: they have alſo naturally a great opinion of themſelves, and when the praiſe themſelves they ſay *Ihy Othkon*, (I am the Devil;) they mean by it that they are very brave. In order to praiſe themſelves and their People when we tell them they are very expert at catching Deer, they ſay, *Tkoſchs ko, aguweechon Kajingahaga kouaane Jountuckcha Othkon*, that is, *Really, all the Mohawks are very cunning Devils.* They make their Houſes of the Bark of Trees, very cloſe and warm, and place their Fire in the middle of them: they alſo make of the Peeling and Bark of Trees *Canoes*, or ſmall Boats, which will carry four, five and ſix Perſons: in like Manner they hollow out Trees, and uſe them for Boats; ſome of them are very large. I have ſometimes ſailed with ten, twelve and fourteen Perſons in one of theſe hollowed Trees; we have in our Colony a wooden Canoe taken from the Indians, which will eaſily carry two hundred Schepel* of Wheat. The Arms uſed by the Indians in War were formerly a Bow and Arrow with a Stone Axe and Mallet, but now they get from our People Guns, Swords, Iron Axes and Mallets. Their Money conſiſts of certain little Bones, made of the Shells of Cockles which are found on the Beach; a Hole is made through the middle of the little Bones; and they are ſtrung upon Thread, or they

* A Schepel is equal to three Pecks.

make of them Belts as broad as a Hand or broader, which they hang on their Necks and on their Bodies: they have alſo ſeveral Holes in their Ears, and there they hang ſome; and they value theſe little Bones as highly as many Chriſtians do Gold, Silver and Pearls, but they have no Value for our Money, and eſteem it no better than Iron. I once ſhewed one of their Chiefs a Rixdollar, he aſked how much it was worth among the Chriſtians, and when I told him he laughed exceedingly at us, ſaying we were Fools to value a Piece of Iron ſo highly, and if he had ſuch Money he would throw it into the River. They place their Dead upright in Holes, and do not lay them down, and then throw on the Grave ſome Trees and Wood, or they encloſe them with Paliſades. They have their ſet times for going to catch Fiſh, Bears, Panthers, Beavers, and Eels: in the Spring they catch vaſt quantities of Shad and Lampreys which are very large here:—they lay them on the Bark of Trees in the Sun, and dry them very hard, and then put them in a Bag which they make of wild Hemp, and keep them till Winter when their Corn is ripe; to keep them from the Air, they dig a deep Hole and preſerve them therein the whole Winter. They can make Nets and Seines in their Way, and when they want to fiſh with Seines, ten or twelve Men will go together and help each other, all of whom own the Seines.

They are entire Strangers to all Religion, but they have a *Tharonhijouaagon*, (which others alſo call *Athzoockkuatoriaho)* i. e. a *Genius* which they put in the Place of God, but they do not worſhip or preſent Offerings to him: they worſhip and preſent Offerings to the Devil whom they call *Otſkon* or *Aireſkuoni*. If they are unſucceſsful in War, they catch a Bear, which they cut in Pieces and roaſt, and that they offer to their *Aireſkuoni*, ſaying the following Words: *Oh! great and mighty Aireſkuoni, we know that we have tranſgreſſed againſt thee inaſmuch as we have not killed and eaten our Captives;—forgive us this, we promiſe that we will kill and eat all the Captives we ſhall hereafter take, as really as we have killed, and now eat this Bear.* Alſo when the Weather is very hot, and there comes a cooling Breeze, they cry out directly, *Aſoronuſi, aſoronuſi Otſkon, aworouhſi reinnuha*, that is, *I thank thee, I thank thee, Devil, I thank thee Oomke.* If they are ſick, or have a pain or ſoreneſs any where in their Limbs, and I aſk them what ails them? they ſay *the Devil ſits in their Body or in the ſore Place, and bites them there*, and they always aſcribe to the Devil the Accidents which befal them: they have otherwiſe no Religion: when we pray they laugh at us; ſome of them deſpiſe it entirely, and ſome when we tell them what we do when we pray, ſtand aſtoniſhed. When we have a Sermon, ſometimes ten or twelve of them, more or leſs, will attend, each having a long Tobacco Pipe, made by himſelf, in his Mouth, and will ſtand a while and look, and afterwards aſk me what I was doing and what I wanted, that I ſtood there alone and made ſo many Words, and none of the reſt might ſpeak? I tell them I

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admoniſhed the Chriſtians, that they muſt not ſteal, go a-wh—g, get drunk, or commit Murder, and that they too ought not to do theſe Things, and that I intend after a while to preach to them, and come to them to their Country and Caſtles (about three Days Journey from hence, further inland) when I am acquainted with their Language: They ſay I do well in teaching the Chriſtians, but immediately add *Diatennon jawij Aſſyreoni hagiouiſk*, that is, why do ſo many Chriſtians do theſe Things. They call us *Aſſyreoni*, that is, Cloth-Makers, or *Chariſtooni*, that is, Iron-Workers, becauſe our People firſt brought Cloth and Iron among them.

They will not come into a Houſe where there is a menſtruous Woman, nor eat with her. No Woman muſt touch their Snares in which they catch Deer, for they ſay the Deer can ſmell it.

One Day an old Woman came to our Houſe, and told my People that her Forefathers had told her, that *Tharonhij Jagon*, that is, *God, once went out walking with his Brother, and a Diſpute aroſe between them, and God killed his Brother*: I ſuppoſe this Story took its Riſe from that of *Cain* and *Abel*. They have an odd Notion of the Creation, for they think that a pregnant Woman fell down from Heaven, and that a Tortoiſe (which are plenty here, and within Land from two and three to four Feet long, ſome with two Heads, very miſchievous and addicted to biting) took this pregnant Woman on its Back, becauſe every place was covered with Water, and that the Woman ſitting upon the Tortoiſe paddled with her hands in the Water, and raked up the Earth whence it finally happened that the Earth became higher than the Water. They think there are more Worlds than one, and that we came from another World. The *Mohawk* Indians are divided into three Tribes, which are called *Ochkari*, *Anaware*, *Oknaho*, that is, the *Bear*, the *Tortoiſe* and the *Wolf:* of theſe the Tortoiſe is the greateſt and principal, and boaſt that they are the oldeſt Deſcendants of the Woman beforementioned; theſe have made a Fort of Paliſades, and call their Caſtle *Aſſerue*. Thoſe of the Bear are the next to theſe, and their Caſtle is by them called *Banagiro*; the laſt were taken from them, and their Caſtle is called *Thenondiogo*. Each of theſe Tribes carries the Beaſt after which it is called (as the Arms in its Banner) when it goes to War againſt its Enemies, and this is done as well for the Terror of its Enemies, as for a Declaration of its own Bravery. Lately one of their Chiefs came to me and preſented me with a Beaver, an Otter, and ſome Cloth he had taken from the French, in Token of Friendſhip, when he opened his Budget there appeared in it a dried Head of a Bear, with grinning Teeth: I aſked him what that meant? he told me he faſtened it upon his left Shoulder by the Side of his Head, and that then he was the Devil, cared for nothing, and did not fear any Thing.

The Government among them conſiſts of the oldeſt, the moſt ſenſible, the beſt-ſpeaking and moſt warlike Men; theſe commonly reſolve, and the young and war-

like Men carry into Execution; but if the common People do not approve of the Reſolution, it is left entirely to the Judgment of the Mob. The Chiefs are generally the pooreſt among them, for inſtead of their receiving from the common People as among Chriſtians, they are obliged to give to them; eſpecially when any one is killed in War, they give great Preſents to the next of Kin to the deceaſed, and if they take any Priſoners they preſent them to that Family whereof one has been killed, and the Priſoner is adopted by the Family into the Place of the Perſon who was killed. There is no Puniſhment here for Murder and other Villainies, but every one is his own Avenger: The Friends of the deceaſed revenge themſelves upon the Murderer until Peace is made by Preſents to the next of Kin. But although they are ſo cruel, and have no Laws or Puniſhments, yet there are not half ſo many Villainies or Murders committed amongſt them as amongſt Chriſtians, ſo that I ſometimes think with aſtoniſhment upon the Murders committed in the Netherlands, notwithſtanding their ſevere Laws and heavy Penalties. Theſe Indians, though they live without Laws, or Fear of Puniſhment, do not kill People, unleſs they are in a great Paſſion, or fighting, wherefore we go along with them, or meet them in the Woods, without Fear.

JOHANNES MEGAPOLENSIS.

MASSACHUSETTS *Act againſt diſcriminating between the King and Parliament.*

[Maſſachuſetts Records.]

29th of the 3 Month 1644.

WHEREAS the Civil Wars and Diſſentions in our native Country through the ſeditious Words and carriages of many evil affected Perſons cauſe Diviſions in many Places of Government in America, ſome profeſſing themſelves for the King and others for the Parliament, not conſidering that the Parliament themſelves profeſs that they ſtand for the King and Parliament againſt the malignant Papiſts and Delinquents in the Kingdom; It is therefore ordered, that what Perſon ſoever, ſhall by Word Writing or action endeavour to diſturb our Peace directly or indirectly by drawing a Party under pretence that he is for the King of England, and ſuch as adjoin with him againſt the Parliament, ſhall be accounted as an offender of an high nature againſt this Common Wealth, and to be proceeded with either capitally or otherwiſe, according to the Quality and Degree of his Offence; Provided always that this ſhall not be extended againſt any Merchant Strangers and Shipmen, that

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come hither meerly for matter of Trade and Merchandize, albeit they ſhould come from any of thoſe Parts that are in the hands of the King, and ſuch as adhere to them againſt the Parliament carrying themſelves here quietly and free from raiſing, or nouriſhing any Faction Mutiny or ſedition amongſt us as aforeſaid.

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* TO *the moſt High and Honorable* COURT *of* PARLIAMENT *now Aſſembled.*

The Humble Petition of William Caſtell, Parſon of Courtenhall in Northampton Shire, for the propagating of the Goſpel in America;

IN all humble manner ſheweth unto your approved wiſdom, the great and general neglect of this Kingdom, in not propagating the glorious Goſpel in America, a main part of the World: Indeed the undertaking of the work is, in the general, acknowledged pious and charitable, but the ſmall proſecution that hath hitherto been made of it, either by us or others, having never yet been undertaken in pity to mens ſouls, but in hopes to poſſeſs the land of thoſe infidels, or of gain by commerce, may well make this and all other Chriſtian Kingdoms confeſs they have been exceeding remiſs, in performing this ſo religious, ſo great, ſo neceſſary a work.

May it therefore, pleaſe your wiſdoms to give your petitioner leave to propoſe briefly, (as the nature of a petition requireth) the more than ordinary piety and charity of the work; the evident neceſſity, and benefit of undertaking, together with the eaſineſs of effecting.

A greater expreſſion of piety, your petitioner conceiveth, there cannot be, than to make God known where he was never ſpoken nor thought of, to advance the Scepter of Chriſt's Kingdom; and now again to reduce thoſe, who at firſt were created after the Image of God from the manifeſt worſhip of Devils, to acknowledge and adore the bleſſed Trinity in Unity. To do this, is to be the happy inſtrument of effecting thoſe often repeated promiſes of God, in making all nations bleſſed by the coming of Chriſt, and by ſending his word to all lands; it is to enlarge greatly the Pale of the Church. And to make thoſe, who were the moſt deteſtable Synagogues of Satan, delightful Temples of the Holy Ghoſt.

It was a high point of piety in the Queen of the South, to come from the utmoſt

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* From a Collection of Voyages and Travels, 2 Vs. Fo London 1745.—Vol. 2. Page 772. This Paper has no date, but is ſuppoſed to have been written about the year 1644.

parts of the world to hear the wiſdom of Solomon: And ſo it was in Abraham to leave his native country for the better and more free ſervice of his God.

And certainly it will be eſteemed no leſs in thoſe, who (either in their perſons or purſes) ſhall religiouſly endeavour to make millions of thoſe ſilly ſeduced Americans, to hear, underſtand, and practiſe the myſtery of Godlineſs.

And as is the piety, ſuch is the charity of the work, exceeding great, to no leſs than the immortal ſouls of innumerable men, who ſit in darkneſs and in the ſhadow of death, continually aſſaulted and devoured by the Dragon, whoſe greateſt delight is to bring others with himſelf into the ſame irrecoverable gulph of perdition. What thoſe blind and ſpiritual diſtreſſed Americans are, we were, and ſo had continued, had not apoſtolical men afforded greater charity unto us, Diviſis orbe Britannis, by long journeying (and not without great hazard of their lives) than as yet hath been ſhewed by us unto them.

We are not indeed endued with ſuch eminent extraordinary Gifts as were the primitive Chriſtians; but yet if it be duly conſidered, how fully and how purely God hath imparted his goſpel unto this Iſland; how miraculouſly he hath lately protected us from Spaniſh Invaſions and popiſh conſpiracies; how at this time, we abound in ſhipping and all manner of proviſion for ſea; it will be found that we, of all nations, are moſt for the work, and moſt engaged to do it in due thankfulneſs to God.

Nor is the Arm of the Lord ſhortened, or his wonted bounty ſo reſtrained, but that undertaking the Voyage ſolely for God's Glory, and in compaſſion to mens ſouls, we may expect a more than ordinary bleſſing from him, whoſe uſual cuſtom is to honour thoſe that honour him, and moſt abundantly even in this life, to recompence ſuch religious undertakings.

The Spaniard boaſteth much of what he hath already done in this kind; but their own authors report their unchriſtian behaviour, eſpecially their monſtrous cruelties to be ſuch, as they cauſed the Infidels to deteſt the name of Chriſt. Your wiſdoms may judge of the Lion by his Claw. In one of their Iſlands called Hiſpaniola, of 2,000,000 of men, as Benzo, in his Italian Hiſtory, affirmeth, they had not left 150 ſouls, and Lipſius juſtly complaineth, that whereſoever they came, they cut down men as they did Corn without any compaſſion. And as for thoſe that ſurvived they bought their lives at dear rates, for they put them to bear their Carriages from place to place; and if they failed by the way, they either miſerably diſmembered or killed them outright. They lodged them like brute beaſts under the planks of their ſhips, till their fleſh rotted from their backs; and if any failed in the full performance of his daily taſk, he was ſure to be whipped till his body diſtilled with gore blood, and then poured they in either molten pitch or ſcalding oil to ſupple him.

A very ſtrange and unlikely way to work Infidels into the faith, neither yet could they,

they, if they would impart unto others the Goſpel in the truth and purity thereof, who have it not themſelves but very corruptly accompanied with many idle, abſurd, idolatrous inventions of their own, which are but as ſo many ſuperſtructures wickedly oppreſſing, if not utterly ſubverting the very foundations of Chriſtianity.

And although ſome of the reformed Religion, Engliſh, Scotch, French and Dutch, have already taken up their habitations in thoſe parts, yet hath their going thither as yet been to ſmall purpoſe, for converting of thoſe nations, either for that they have placed themſelves but in the ſkirts of America, where there are but few natives, as thoſe of New England, or elſe for want of able and conſcionable miniſters, as in Virginia, they themſelves are become exceeding rude more likely to turn Heathen, than to turn others to the Chriſtian Faith.

Beſides, there is little or no hope our plantations there ſhould be of any long Continuance, ſince here in England, for ſome years laſt paſt, they have been rather diverſely hindered than any ways furthered, how and by whom, your wiſdoms either have, or will ſhortly find out: but this is evident, that the proud ſuperſtitious Spaniard (who hateth their Religion, and feareth their neighbourhood) will ſpare them no longer than to his over-ſwelling greatneſs ſhall ſeem good: and in the judgment of moſt judicious travellers that way, they may, if they will, eaſily enough ſuppreſs and deſtroy all our other plantations, as they did of late that of St. Chriſtopher's when they were no way provoked by us, as they will now pretend they are by a later taking of Trinidado, and the loſs of more than 150 of their men there. At leaſt they will be ſure to be deſperately aſſaulted, as was the Iſle of Providence, but the Year laſt paſt.

Whence your petitioner offereth unto your honorable Conſiderations a third argument, drawn from meer neceſſity, that as you tender the happy proceeding of thoſe, as yet but weakly ſettled plantations; the liberties, livelihood, and lives of many thouſands our dear brethren and countrymen; and which is yet more, the proſperous progreſs of the goſpel, you would be pleaſed to conſult of ſuch an able and ſpeedy ſupply as may ſecure them againſt the now expected cruelty of the Spaniard.

To which needful Supply, the better and ſooner to induce your wiſdoms, your petitioner deſireth your yet a little further patience until he hath ſhewed ſome temporal benefits, that are thereby like to accrue unto the Kingdom, together with the eaſineſs of effecting.

When a Kingdom beginneth to be overburthened with a multitude of people (as England and Scotland now do) to have a convenient place where to ſend forth colonies is no ſmall benefit, and ſuch are the north-eaſt and north-weſt parts of America, between the degrees of 25 and 45 of the north latitude, which at this time do even offer themſelves unto us, to be protected by us, againſt the known cruelty of the over near approaching Spaniard.

A very large tract of ground containing ſpacious, healthful, pleaſant and fruitful countries, not only apt, but already provided of all thinges neceſſary for man's ſuſtentation, corn, graſs, and wholeſome cattle in good competency: but fiſh, fowl, fruits and herbs in abundant variety.

If we ſhould look no further than the ſouth of Virginia, which is our own, we ſhall find there all manner of proviſion for life beſides merchantable commodities, ſilk, vines, cotton, tobacco, deer-ſkins, goat-ſkins, rich furr, and beavers good ſtore; timber, braſs, iron, pitch, tar, roſin and almoſt all things neceſſary for ſhipping, which, if they ſhall be employed that way, may (with God's bleſſing) within ſhort time, in due recompence of their ſetting forth, return this kingdom ſtore of ſilver and gold, pearls and precious ſtones; for undoubtedly (if there be not a general miſtake in all authors who have written of theſe places) ſuch treaſure is to be had; if not there, yet in places not far remote, where as yet the Spaniard hath nothing to do.

And in caſe the Spaniard will be troubleſome to our plantations, or ſhall (as it is generally conceived) be found an Enemy to this Kingdom; there is no way more likely to ſecure England, than by the having a ſtrong navy there; hereby we may come to ſhare, if not utterly to defeat him of that vaſt Indian Treaſure, wherewith he ſetteth on fire ſo great a part of the Chriſtian world, corrupteth many counſellors of State, ſupporteth the papacy, and generally perplexeth all reformed churches.

Nor need any ſcrupulous query be made, whether we may not aſſault an enemy in any place, or not eſteem them ſuch as ſhall aſſault us in thoſe places, where we have as much to do as they. The Spaniard claimeth indeed an Intereſt, little leſs than hereditary in almoſt all America and the Weſt Indies; but it is by virtue of the pope's grant, which is nothing worth, as was long ſince determined by queen Elizabeth and her council; ſo as for the Spaniard to debar us the liberty of our plantations, or freedom of commerce in thoſe ſpacious countries, were over proudly to take upon him; and for us to permit it, were over much to yield of our own right.

Eſpecially when we may, as now we may, ſo eaſily help ourſelves: for your petitioner conceiveth there is no great difficulty in the preparation here, or tedioufneſs in the paſſage thither, or hazard when we come there. The preparation of men and ſhipping, in reſpect of the daily happy expected accord between us and the Scots is (upon the matter) already made. And as for money, it is in the power of this honorable houſe to give ſufficient, without any grievance, or diſlike of the commonwealth; who (undoubtedly) in the general, will think nothing grievous which ſhall be concluded by your wiſdoms expedient to ſuch a pious and charitable work.

And as for the paſſage how can it be thought either tedious or dangerous, it being ordinarily but ſix weeks ſail, in a ſea much more ſecure from pirates, and much more free from ſhipwreck and enemies coaſt, then our ten or twelve months voyage into

the Eaſt Indies. And as for our good ſucceſs there we need not fear it. The natives being now every where more than ever, out of an inveterate hatred to the Spaniard ready and glad to entertain us. Our beſt friends the Netherlanders, being with eight and twenty ſhips gone before to aſſiſt and further us. And which is much more, our going with a general conſent in God's cauſe, for the promoting of the goſpel and enlarging of his church, may aſſure us of a more than ordinary protection and direction. That hitherto we have been leſs ſucceſsful in our voyages that way, we may juſtly impute it to this, that as yet, they have not been undertaken with ſuch a general conſent, and with ſuch a full reference to God's glory as was requiſite.

And ſo your petitioner, having delivered his apprehenſions herein more briefly than ſo weighty a matter might well require, he ſubmits all the premiſſes to your more full deliberation and concluſion; which he humbly prayeth, may be with all convenient ſpeed; the only beſt way under God to make it the better ſucceſsful.

WILLIAM CASTELL.

We whoſe names are here under written, having been upon occaſion, acquainted with a motion intended to be made by Mr. William Caſtell, parſon of Courtenhall, in the county of Northampton, to the high and honourable Court of Parliament now aſſembled, concerning the propagation of the glorious goſpel of Chriſt in America. And as we do well approve of the motion, ſo we do humbly deſire his reaſons may be duly conſidered; and ſo good a work furthered, their wiſer judgments may reſolve upon, to which we humbly ſubmit the ſame.

John Moſeley, D. D. R. Brownricke, D. D. Thomas Bambrig, D. D. Robert Sanderſon, D. D. Richard Alleyne, D. D. Daniel Featly, D. D. Mathius Styles, D. D. Edmond Stanton, D. D. Stephen Deniſon, D. D. Edward Willimot, D. D. Jonathan Brown, D. D. Jaſper Fiſher, D. D, Hannibal Potter, D. D. Anthony Clapton, D. D Thomas Drayton D. D. John Grant, D. D.

Miniſters of London.

George Walker, James Palmer, Edward Malbury, Joſeph Caryll, Edmond Calamy, Adoniram Byfield, William Price, Richard Maden, James Batty, Matthew Griffith, Ephraim Paget, Robert Pory, William Janeway, Nathaniel Barry.

Miniſters of ſeveral other Counties.

John White, Dorſetſhire. William Ford, John Pyns, Somerſetſhire. Zachary Caudry, Leiceſterſhire. Henry Painter, Devonſhire. Stephen Marſhall, Samuel Joyner, Eſſex. John Ward, Suffolk. Jeremiah Burroughs, Norfolk. John Bawlin-

ſon, Derby. Moſes Capell, William Rhet, Kent. Francis Charliot, Richard Gifford, Buckinghamſhire. William Engleſby, Hertford.

Other worthy Miniſters of the Dioceſe of Peterborough, where the Petitioner liveth.

Daniel Caudery, Jeremy Whittaker, John Barry, James Cranford, Samuel Craddock, David Enſme, Edmund Caſtell, Samuel Mole, Daniel Rogers, Benjamin Tomkins, Richard Cook, Richard Trueman, John Guderick, William Spencer, Edmund James, John Baynard, George Jay, Francis Preſſe, Miles Berket, Francis Atterbury, Jeremy Stephens, John Ward, Peter Fawtract, William Malkinſon.

The motion made by Mr. William Caſtell, miniſter of the goſpel, for propagating of the bleſſed evangel of Chriſt our Lord and Saviour, in America; we conceive in the general to be moſt pious, chriſtian and charitable: and therefore worthy to be ſeriouſly conſidered of all that love the glorious name of Chriſt, and are zealous of the ſalvation of ſouls, which are without Chriſt, and without God in the world, wiſhing the opportunity and fit ſeaſon, the inſtruments and means, and all things neceſſary for the proſecution of ſo pious a work, to be conſidered by the wiſdoms of churches, and civil powers; whom God hath called, and enabled with piety, prudence and policy, for matters of public concernment, and of ſo great Importance; and beſeeching the Lord to bleſs all their conſultations and procceedings for the advancing and eſtabliſhing the kingdom of Jeſus Chriſt.

Alexander Henderſon.
Robert Blare.
R. Bailly.
M. Gallaſpie.
N. Smith.
M. Borthrick.

AN ORDINANCE *of the* LORDS *and* COMMONS *aſſembled in* PARLIAMENT: *whereby* ROBERT *Earl of* WARWICK *is made Governor in Chief, and Lord High Admiral of all thoſe Iſlands and Plantations, inhabited, planted, or belonging to any of his Majeſty's the King of* ENGLAND'S *Subjects, within the Bounds, and upon the Coaſts of* AMERICA.

And a Committee appointed to be aſſiſting unto him, for the better governing, ſtrengthening and preſervation of the ſaid Plantations; but chiefly for the advancement of the true Proteſtant Religion, and further ſpreading of the Goſpel of Chriſt, among thoſe that yet remain there, in great and miſerable Blindneſs and Ignorance.

[Collection of Voyages, &c. Vol. II. P. 776.]

WHEREAS many thouſands of the natives and good ſubjects of this kingdom of England, through the oppreſſion of the prelates and other ill-affected miniſters, and officers of ſtate; have of late years been enforced to tranſplant themſelves and their families into ſeveral Iſlands, and other remote and deſolate parts of the Weſt Indies: and having there through exceeding great labour and induſtry, (with the bleſſing of God) obtained for themſelves and their families ſome competent and convenient means of maintenance and ſubſiſtence, ſo that they are now in a reaſonable well ſettled condition, But fearing leaſt the outragious malice of papiſts, and other ill affected perſons, ſhould reach unto them in their poor and low, (but as yet peaceable condition) and having been informed that there hath been lately procured from his Majeſty, ſeveral grants under the great Seal, for erecting ſome new governors and commanders amongſt the ſaid planters in their afore-mentioned plantations: whereupon the ſaid planters, adventurers, and owners of land in the ſaid foreign plantations, have preferred their petition unto this preſent Parliament; that for the better ſecuring of them, and their preſent eſtates there obtained, through ſo much extream labour and difficulty; they might have ſome ſuch governor and governments, as ſhould be approved of and confirmed by the authority of both houſes of Parliament. Which petition of theirs, the lords and commons have taken into conſideration; and finding it of great importance, both to the ſafety and preſervation of the aforeſaid natives and ſubjects of this kingdom, as well from all foreign invaſions and oppreſſions, as from their own inteſtine diſtractions and diſturbances, as alſo much tending to the honour and advantage of his majeſty's dominions, have thought fit, and do hereby conſtitute and ordain Robert earl of Warwick governor in chief, and lord high admiral of all thoſe Iſlands, and other plantations, inhabited, planted or belonging to any his majeſty's the King of England's ſubjects; or which hereafter may be inhabited, planted or belonging to them within the bounds, and upon the coaſts of America. And for the more

more effectual, ſpeedier, and eaſier tranſaction of this ſo weighty and important a buſineſs, which concerns the well being and preſervation of ſo many of the diſtreſſed natives of this, and other his majeſty's dominions; the lords and commons have thought fit, that Philip earl of Pembroke, Edward earl of Mancheſter, William viſcount Say and Seale Philip Lord Wharton, John Lord Roberts, members of the houſe of peers; Sir Gilbert Gerard, knight and baronet, Sir Arthur Hazlerig, baronet, Sir Henry Vane, junior, knight, Sir Benjamin Rudyer, knight, John Pym, Oliver Cromwell, Dennis Bond, Miles Corbet, Cornelius Holland, Samuel Vaſſal, John Rolles, and William Spurſtow, eſquires, members of the houſe of Commons; ſhall be commiſſioners to join in aid and aſſiſtance with the ſaid earl of Warwick, chief governor and Admiral of the ſaid plantations: which chief governor, together with the ſaid commiſſioners, or any four of them, ſhall hereby have power and authority, to provide for, order and diſpoſe, all things which they ſhall from time to time find moſt fit, and advantageous to the well governing, ſecuring, ſtrengthening and preſerving of the ſaid plantations; and chiefly to the preſervation and advancement of the true proteſtant religion amongſt the ſaid planters, inhabitants; and the further enlargement and ſpreading of the Goſpel of Chriſt, amongſt thoſe that yet remain there in great and miſerable blindneſs and ignorance. And for the better advancement of this ſo great a work, it is hereby further ordained by the ſaid lords and commons, that the aforeſaid governor and commiſſioners, ſhall hereby have power and authority, upon all weighty and important occaſions, which may concern the good and ſafety of the aforeſaid planters, to call unto their advice and aſſiſtance therein, any other of the aforeſaid planters, owners of land, or inhabitants of the ſaid iſlands and plantations, which ſhall then be within twenty miles of the place where the ſaid Commiſſioners ſhall then be; and ſhall have power and authority to ſend for, view and make uſe of all ſuch Records, books and papers, which do, or may concern any of the ſaid plantations. And becauſe the well ſettling and eſtabliſhing of ſuch officers and governors, as ſhall be laborious and faithful in the right governing of all ſuch perſons as be reſident in or upon the ſaid plantations and due ordering and diſpoſing of all ſuch affairs as concern the ſafety and welfare of the ſame, is of very great advantage to the public good of all ſuch remote and new plantations, it is hereby further ordained and decreed, that the ſaid Robert earl of Warwick, governor in chief and admiral of the ſaid plantations, together with the aforeſaid commiſſioners, Philip earl of Pembroke, Edward earl of Mancheſter, William viſcount Say and Seal, Philip lord Wharton, John lord Roberts, Sir Gilbert Gerard, knight and baronet, Sir Arthur Haſlerig, baronet, Sir Henry Vane, junior, knight, John Pym, Oliver Cromwell, Dennis Bond, Miles Corbet, Cornelius Holland, Samuel Vaſſal, John Rolles, and William Spurſtow, eſquires, or the greater number of them, ſhall have power and authority from time to time, to nominate,

nate, appoint, and conſtitute all ſuch ſubordinate governors, councellors, commanders, officers and agents, as they ſhall judge to be beſt affected, and moſt fit and ſerviceable for the ſaid iſlands and plantations: and ſhall hereby have power and authority, upon the death or other avoidance of the aforeſaid chief governor and admiral, or any the other commiſſioners before named, from time to time, to nominate and appoint ſuch other chief governor and admiral, or commiſſioners, in the place or room of ſuch as ſhall ſo become void. And ſhall alſo hereby have power and authority to remove any of the ſaid ſubordinate governors, councellors, commanders, officers, or agents, which are, or ſhall be appointed to govern, counſel, or negociate the public affairs of the ſaid plantations; and in their place and room, to appoint ſuch other officers as they ſhall judge fit. And it is hereby ordained that no ſubordinate governors, councellors, commanders, officers, agents, planters or inhabitants whatſoever, that are now reſident in, or upon the ſame iſlands or plantations, ſhall admit or receive any other new governors, counſellors, commanders, officers or agents whatſoever, but ſuch as ſhall be allowed and approved of under the hands and ſeals of the aforementioned commiſſioners, or any ſix of them, or under the hands and ſeals of ſuch as ſhall authorize thereunto.

And whereas, for the better government and ſecurity of the ſaid plantations and iſlands, and the owners and inhabitants thereof, there may be juſt and fit occaſion to aſſign over ſome part of the power and authority (granted in this ordinance to the chief governor and commiſſioners aforenamed) unto the ſaid owners, inhabitants, or others; it is hereby ordained, that the ſaid chief governor and commiſſioners before mentioned, or the greater number of them, ſhall hereby be authorized to aſſign, ratify, and confirm ſo much of their aforementioned authority and power; and in ſuch manner, and to ſuch perſons, as they ſhall judge to be fit, for the better governing and preſerving of the ſaid plantations and iſlands, from open violence, and private diſturbance and diſtractions.

And laſtly, that whoſoever ſhall do, execute, or yield obedience to any thing, contained in this ordinance, ſhall by virtue hereof, be ſaved harmleſs and indemnified.

COPY

COPY *of a Letter from Sir* WILLIAM BERKELEY *Governor of* VIRGINIA, *to the Governor of* NEW ENGLAND, *about Mr.* CHEW'S *Servants.*

[Hutchinſon's Original Papers.]

Deareſt Sir,

HAVING received intelligence and complaint from Mr. John Chew, merchant, that certaine of his ſervants being run away about May 1643, and are now reſident in your collony of New England, I deſire you will pleaſe to aſſiſt this Gentleman, the bearer, in the regaining of them by all poſſible means that may be, it being but an accuſtomed favour reciprocally ſhown upon all occaſions, eyther to other, in which at noe tyme we ſhall be defective as we expect the like from you; he hath made it appear in court they are his ſervants; their names are Walter Joy, William Woodhead, and Henry King, alias Eny, ſoe not doubting of your aſſiſtance herein I reſt,

Your ſervant,

WILLIAM BERKELEY.

Virginia 12th June 1644.

CONVENTIO *inter* JOHANNEM ENDECOTT, *Gubernatorem Maſſachuſets in Nova Anglia, et reliquos Magiſtratus ibidem, et Dominum Marie, Delegatum Domini Aulnay, Militis, Gubernatoris et Deputatus Sereniſſimi Regis Galliæ in Acadia, Provincia Novæ Franciæ, facta et firmata apud Boſton in Maſſachuſets prædictum,* 8. *Die Menſis* 8. 1644.

DOMINUS Gubernator et reliqui Magiſtratus promittunt Domino Marie prædicto, quod illi et omnes Angli infra juriſdictionem Maſſachuſets in Nova Anglia firmam pacem colent et ſervabunt cum Domino D'Aulnay, Gubernatore, &c. et omnibus Gallis ſub poteſtate ejus in Acadia, &c. Et Dominus Marie promittit pro Domino D'Aulnay, quod ille et homines ejus firmam pacem ſervabunt, etiam cum Gubernatore et Magiſtratibus prædictis, et omnibus inhabitantibus in juriſdictione Maſſachuſets prædicto. Et quod bene licebit omnibus hominibus, tam Gallis quam

Anglis, mutua commercia exercere inter ſe; ita ut, ſi aliqua occaſio offenſionis acciderit, neuter eorum attentabit aliquid hoſtili modo contra alterum, niſi manifeſtatio et querela de injuria prius facta, ac ſatisfactione ſecundum æquitatem non præſtita. Proviſo ſemper, quod Dominus Gubernator et Magiſtratus prædicti non teneantur cohibere mercatores ſuos commercia exercere cum navibus ſuis cum quibuſcunque hominibus, ſive Gallis, ſive aliis, ubicunque locorum degentibus. Proviſo etiam, quod plena ratificatio et concluſio hujus conventionis ad proximum conventum Delegatorum Confederatarum Coloniarum Novæ Angliæ deferatur, pro continuatione vel abrogatione ejuſdem, et interim firma et inviolata manebit.

CONVENTIONE et articulis ſupraſcriptis a Delegatis Confederatarum Coloniarum Novæ Angliæ prælectis et matura conſideratione eorum habitis, cum in animis eorum ſemper fuerit, ut pax firma et perpetua inter omnes Anglos et propinquos eorum univerſos inſtaurata maneret: Ita ut unuſquiſque communem omnium intentionem incultæ hujus regionis in uſum humani generis (qua ratione univerſa terra a Deo primò Adami filiis donata fuit) ſubigendæ proſequatur, nec non ut barbaras has gentes, bonis moribus prius inſtructas, ad veri Dei et Domini noſtri Jeſu Chriſti cognitionem (Divino favente Numine) tandem perducamus, æquum et neceſſarium illis videtur, ut conventio et articuli prædicta (omnibus confederatis Coloniis prædictis in illis unà comprenſis) confirmare debeant. Sed cum plurimæ queſtiones et injuriæ ex utraque parte et alligatæ et objectæ ſint, Delegati eaſdem, opportuno tempore et loco exaudire et ſecundum juſtitiæ normam componi, et interea pace a confederatis Novæ Angliæ Coloniis plene et firmiter, ſecundum conventionem prædictam, conſervari volunt; ea lege, ut Dominus D'Aulnay eandem chirographo ſuo ſignatam, confirmare etiam et obſervare velit. In quorum fidem et teſtimonium, Delegati prædicti chirographa ſua præſentibus appoſuerunt.

Datum Boſton in Nova Anglia tertio die Septembris, Anno Domini 1645.

JO. WINTHROP, Præſes,

Geo. Fenwicke,
Herbert Pelham,
Tho. Prince,
Edw. Hopkins,
John Browne,
Theoph. Eaton,
Stephen Goodyeare.

MASSACHUSETTS LAW *againſt the* ANABAPTISTS. 13*th* 9*th Month* 1644.

[Maſſachuſetts Records.]

FORASMUCH as Experience hath plentifully and often proved, that ſince the firſt ariſing of the Anabaptiſts, about 100 years ſince, they have been the Incendiaries of the Common Wealths and the Infectors of Perſons in main matters of Religion and the Troubles of Churches in all Places where they have been, and that they who have held the baptizing of Infants unlawfull have uſually held other Errors, or Hereſies together therewith, though they have (as other Hereticks uſe to do) concealed the ſame till they ſpied out a fit advantage and opportunity to vent them, by way of Queſtion or Scruple, and whereas divers of this kind have ſince our coming into New England appeared amongſt our Selves, ſome whereof have (as others before them) denied the Ordinance of Magiſtracy, and the lawfulneſs of making Warr, and others the lawfulneſs of Magiſtrates, and their Inſpection into any breach of the firſt Table, which opinions if they ſhould be connived at by us are like to be increaſed amongſt us and ſo muſt neceſſarily bring guilt upon us, Infection and Trouble to the Churches and hazard to the whole Commonwealth.

It is ordered and agreed, that if any perſon or perſons within this Juriſdiction ſhall either openly condemn or oppoſe the baptiſing of infants or go about ſecretly to ſeduce others from the approbation or uſe thereof, or ſhall purpoſely depart the Congregation at the Miniſtration of the Ordinance, or ſhall deny the Ordinance of Magiſtracy, or their lawfull Right and Authority to make War, or to puniſh the outward Breakers of the firſt Table and ſhall appear to the Court wilfully and obſtinately to continue therein after due Time and Means of Conviction, every ſuch Perſon or Perſons ſhall be ſentenced to baniſhment.

PATENT *for* PROVIDENCE PLANTATION.

[Hopkins's Hiſt. of Providence, in the Providence Gazette, No. 121.]

"WHEREAS by an Ordinance of the Lords and Commons, now aſſembled in Parliament, bearing Date the Second Day of November, Anno Domini 1643, Robert Earl of Warwick, is conſtituted, and ordained Governor in Chief

Chief, and Lord High Admiral of all thoſe Iſlands and other Plantations inhabited or planted by, or belonging to any His Majeſty the King of England's Subjects, (or which hereafter may be inhabited and planted by, or belonging to them) within the Bounds, and upon the Coaſts of America. And whereas the ſaid Lords have thought fit, and thereby ordained, that Philip Earl of Pembroke, Edward Earl of Mancheſter, William Viſcount Say and Seal, Philip Lord Wharton, John Lord Rolle, Members of the Houſe of Peers. Sir Gilbert Gerrard, Baronet, Sir Arthur Haſlerig, Baronet, Sir Henry Vane, jun. Knight, Sir Benjamin Rudyard, Knight, John Pim, Oliver Cromwell, Dennis Bond, Miles Corbet, Cornelius Holland, Samuel Vaſſal, John Rolle, and William Spurſtow, Eſqrs, Members of the Houſe of Commons, ſhould be Commiſſioners, to join in Aid and Aſſiſtance with the ſaid Earl. And whereas for the better Government and Defence, it is thereby ordained, that the aforeſaid Governor and Commiſſioners, or the greater Number of them, ſhall have Power, and Authority from Time to Time to nominate, appoint, and conſtitute all ſuch ſubordinate Governors, Counſellors, Commanders, Officers, and Agents, as they ſhall judge to be beſt affected, and moſt fitand ſerviceable for the ſaid Iſlands and Plantations; and to provide for, order and diſpoſe all Things, which they ſhall, from Time to Time, find moſt advantageous for the ſaid Plantations; and for the better Security of the Owners and Inhabitants thereof, to aſſign, ratify, and confirm, ſo much of their afore-mentioned Authority and Power, and in ſuch Manner, and to ſuch Perſons as they ſhall judge to be fit for the better governing and preſerving of the ſaid Plantations and Iſlands, from open Violences and private Diſturbances and Diſtractions. And whereas there is a Tract of Land in the Continent of America aforeſaid, called by the Name of the Narraganſet-Bay; bordering Northward and Northeaſt on the Patent of the Maſſachuſetts, Eaſt and Southeaſt on Plymouth Patent, South on the Ocean, and on the Weſt and Northweſt by the Indians called Nahigganneucks, alias Narraganſets; the whole Tract extending about Twenty-five Engliſh Miles unto the Pequot River and Country.

" And whereas divers well affected and induſtrious Engliſh Inhabitants, of the Towns of Providence, Portſmouth, and Newport in the tract aforeſaid, have adventured to make a nearer neighbourhood and Society with the great Body of the Narraganſets, which may in Time by the bleſſing of God upon their Endeavours, lay a ſure Foundation of Happineſs to all America. And have alſo purchaſed, and are purchaſing of and amongſt the ſaid Natives, ſome other Places, which may be convenient both for Plantations, and alſo for building of Ships, Supply of Pipe Staves and other Merchandize. And whereas the ſaid Engliſh, have repreſented their Deſire to the ſaid Earl, and Commiſſioners, to have their hopeful Beginnings approved and confirmed, by granting unto them a free Charter of Civil Incorporation and Government; that they may order and govern their Plantation in ſuch a Manner as

to maintain Juſtice and peace, both among themſelves, and towards all Men with whom they ſhall have to do. In due Conſideration of the ſaid Premiſes, the ſaid Robert Earl of Warwick, Governor in Chief, and Lord High Admiral of the ſaid Plantations, and the greater Number of the ſaid Commiſſioners, whoſe Names and Seals are here under-written and ſubjoined, out of a Deſire to encourage the good Beginnings of the ſaid Planters, Do, by the Authority of the aforeſaid Ordinance of the Lords and Commons, give, grant, and confirm, to the aforeſaid Inhabitants of the Towns of Providence, Portſmouth, and Newport, a free and abſolute Charter of Incorporation, to be known by the Name of the Incorporation of Providence Plantations, in the Narraganſet-Bay, in New-England.—Together with full Power and Authority to rule themſelves, and ſuch others as ſhall hereafter inhabit within any Part of the ſaid Tract of land, by ſuch a Form of Civil Government, as by voluntary conſent of all, or the greater Part of them, they ſhall find moſt ſuitable to their Eſtate and Condition; and, for that End, to make and ordain ſuch Civil Laws and Conſtitutions, and to inflict ſuch puniſhments upon Tranſgreſſors, and for Execution thereof, ſo to place, and diſplace Officers of Juſtice, as they, or the greateſt Part of them, ſhall by free Conſent agree unto. Provided nevertheleſs, that the ſaid Laws, Conſtitutions, and Puniſhments, for the Civil Government of the ſaid Plantations, be conformable to the Laws of England, ſo far as the Nature and Conſtitution of the place will admit. And always reſerving to the ſaid Earl, and Commiſſioners, and their Succeſſors, Power and Authority for to diſpoſe the general Government of that, as it ſtands in Relation to the reſt of the Plantations in America as they ſhall conceive from Time to Time, moſt conducing to the general Good of the ſaid Plantations, the Honour of his Majeſty, and the Service of the State. And the ſaid Earl and Commiſſioners, do further authorize, that the aforeſaid Inhabitants, for the better tranſacting of their public Affairs to make and uſe a public Seal as the known Seal of Providence-Plantations, in the Narraganſet-Bay, in New-England. In Teſtimony whereof, the ſaid Robert Earl of Warwick, and Commiſſioners, have hereunto ſet their Hands and Seals, the Fourteenth Day of March, in the Nineteenth Year of the Reign of our Sovereign Lord King Charles, and in the Year of our Lord God, 1643.

" Robert Warwick.
Philip Pembroke,
Say and Seal,
P. Wharton,
Arthur Haſlerig,
Cor. Holland,
H. Vane,
Sam. Vaſſal,
John Rolle,
Miles Corbet,
W. Spurſtow."

BOND

BOND CHARLES DE LA TOUR *to Serjeant Major* GIBBONS.

[Suffolk County Records.]

NOVERINT uniuerſi per præſentes me prenobilem Carolum Dominum Delatour tenerj et firmiter obligarj Edvardo Servjenti majori Gibbons Armigero in :ribus mille libris bone et legalis monete Anglie ſolvendis eidem Edvardo Gibbons aut ſuo certo Attornatis executoribus adminiſtratoribus vel aſſignatis ſuis ad quam quidem Solutionem bene et fideliter faciendum obligo me hæredes executores et adminiſtratores meos firmiter per præſentes Sigillo meo ſigillatas datas decimo tertio die May anno Domini milleſimo ſexcentiſſimo quadrageſimo quinto. viz. 1645.

THE Condition of this obligation is ſuch that if the above bounden Sir Charles Lord of la Tour ſhall and doe from tyme to tyme and at all tymes hereafter well and truly obſerve performe fullfill and keepe all and ſinguler the Couenants graunts artickles and agreements comprized and ſpecified in one paire of Indentures bearing date with theſe preſents and made betweene the ſaid lord of La Tour of the one parte and the above named Serjeant major Gibbons on the other parte which on the part and behalfe of the ſaid lord of La Tour are to be performed and kept that then this preſent obligation to be voyd and of none effect or els to ſtand and be in full force effect and virtue.

Sealed and delivered in the preſence of

Thomas Toule, Valentine Hill, John Jarvis, Charles Dupre, Alexander Creſhier Demachetco, Jun. Joſhua Scotto.

CHARLES DE LA TOUR and a Seale.

MORTGAGE, DE LA TOUR *to* GIBBONS.

[Records of Suffolk County.]

THIS Indenture made betweene Sir Charles St. Stephens lord of La Tour in Fraunce and Knight Baronet of Scotland of the one part and Serjeant Major Edward Gibbons of Boſton in New England Eſq. of the other parte witneſſeth that

that the ſaid mounſeir lord of La Tour for and in conſideration of the full ſome of two thouſand eighty fower pounds to him the ſaid mounſeir in hand paid by the ſaid Serjeant major Gibbons and alſo for diuers other good cauſes and conſiderations him the ſaid mounſeir heerevnto eſpecially mooving hath graunted bargained ſould enfeoffed and confirmed and by theſe preſents doth graunt bargaine ſell enfeoffe and confirme vnto him the ſaid Serjeant major Edward Gibbons his heires and aſſignes all that his fort called fort Latour and plantacon within the northerne part of America wherein the ſaid mounſeir together with his family hath of late made his reſidence, ſcituate and being at or neere the mouth of a certaine Riuer called by the name of St Johns Riuer together alſo with all the Ammunition and weapons of warr or inſtruments of defence and other implements neceſſaries and vtenſills there vſed or belonging to the ſame fort or plantacon as they are conteined and ſpecified in an Inventory herevnto annexed And together alſo with all the Lands and Iſlands Riuers Lakes Woods and vnderwoods mines and mineralls whatſoeuer and all and ſingular other the comodityes and appurtenances to the ſame plantacon belonging or in any wiſe appertayning either by right of diſcouery or firſt inhabitting and ſhare graunted vnto him by the grand Company of Cannida Merchants or as the ſame were heretofore purchaſed of Sir William Alexander Knight by Sir Claude of St. Stephen Lord of Latoure for and in the name of him the ſaid Sir Charles his heires and aſſignes by the name of the Countrie of New Scotland formerly called the Countrie of Laccadie as it lyeth along the ſea coaſt eaſtward as by a deede thereof in the French toung made bearing date the 30th of April 1630 now fully and at large it doth and may appeare (except and alwaies reſerved out of this preſent graunt bargaine and ſale vnto the ſaid mounſeir De la Toure his heires and aſſignes ſo much thereof as adjoineth vnto a certaine Cape in the northerne parts of the premiſſes called Cape Sables as ſhall containe in breadth from north to South Seventy two miles and in length from eaſt to weſt ſeventy two miles To haue and to hold all that the ſaid fort and plantacon land iſlands lakes riuers woodes and woodgrounds mines and mineralls and all and ſinguler other the ſaid bargained premiſſes with their and euery of their Appurtenances (except before excepted) vnto the ſaid Serjeant major Edward Gibbons his heires and aſſignes To the only proper vſe and behoofe of him the ſaid Serjeant major Gibbons his heires and aſſignes for euer Provided alwaies and vppon Condition neuertheleſſe that if the ſaid mounſeir Latoure his heires or aſſignes ſhall and doe well and truly ſattisfy and pay or cauſe to be paid and ſattisfied vnto the ſaid Serjeant major Gibbons his heires or aſſignes the full and entire ſomme of two thouſand eighty fower pounds with the Intereſt thereof at or before the twentieth day of February which ſhall be in the yeare of our Lord God one thouſand ſix hundred fifty and two at or in the now dwelling houſe of the ſaid Serjeant major Gibbons ſcittuate in Boſton aforeſaid without fraud That then and from thenceforth this preſent graunt

bargaine

bargaine and ſale ſhall be vtterly void and of none effect to all intents and purpoſes this Indenture or any thing contained heerein to the contrarie thereof in any wiſe notwithſtanding: And the ſaid mounſeir De la Toure for himſelfe and his heires doth couenant promiſe and graunt to and with the ſaid Serjeant major Edward Gibbons his heires and aſſignes in manner and forme following, that is to ſay That it ſhall and may be lawfull to and for the ſaid Serjeaut major Gibbons his heires and aſſignes quietly and peaceably to have hould occupy poſſeſſe and enjoy all and ſin guler the ſaid fort and plantacon and all and ſinguler the ſaid bargained premiſſes with the appurtenances (except before excepted) without the lett trouble interruption or moleſtation of him the ſaid mounſeir De la Toure or of any other perſon or perſons claiming or to claime by from or vnder him or by from or under the aforeſaid Company of Cannida marchants or the ſaid Sir William Alexander or any of them And alſo that he the ſaid mounſeir de la Tour at the day of the date of theſe preſents is lawfully ſeized of the ſaid fort and plantacon and of all and ſinguler the ſaid lands and bargained premiſſes with the appurtenances of a good ſuer and indefezible Eſtate of Inheritance in fee ſimple to him and his heires without any manner of reſervation or limitacon to alter or defeate the ſaide eſtate and that the ſame premiſſes now are and ſo for euer hereafter ſhall continue and be vnto the ſaid Serjeant major Gibbons his heires and aſſignes freed and diſcharged of and from all manner of Incumbrances whatſoeuer from him the ſaid mounſeir De la Toure And alſoe that the ſaid mounſeir De la Toure and his heires all and ſinguler the ſaid fort and plantacon and all other the ſaid bargained premiſſes with the appurtenances (except before excepted) vnto him the ſaid Serjeant major Gibbons his heires and aſſignes againſt all manner of perſon and perſons whatſoeuer ſhall and will warrant and for euer defend in all the titles and rights of theſe preſents according to the tennor true intent and meaning of this preſent deede of bargaine and ſale And alſo that he the ſaid Mounſeir De la Toure ſhall and will on or before the firſt day of October next ſurrender and yeald vp unto the ſaid Serjeant major Gibbons all that the ſaid fort and plantacon Together with a true Inventory of all ſuch goods and Amunition as the ſaid mounſeir is to leaue there and to have againe Reſtored vnto him his heires and Aſſignes in as good Reparation ſtate and condicon as they ſhall be at the Time of the delivery of them as aforeſaid In caſe the ſaid Somme of two thouſand eighty fower pounds with Intereſt ſhall be really ſatisfied and paid according to the true meaning of this preſent deede of bargaine and ſale together alſo with ſuch neceſſary chardges and expences as in the meane time ſhallbe diſburſed in the Reparations of the ſaid forte or any of the outhouſes belonging to the ſaid fort and plantacon And alſo that the ſaid Mounſeir at the time aforeſaid ſhall make liuery and ſeizin of the ſaid bargained premiſſes according to the Ceremony vſed in England in Caſes of the like Nature, and thereby putt the ſaid major and his aſſignes in full

and peaceable poſſeſſion thereof according to the true intent and meaning of theiſe preſents and according to the lawes of the Realme of England And laſtly that the ſaid Mounſeir ſhall at the time aforeſaid make a deede of Sale vnto the ſaid Serjeant major of all ſuch barques boates and veſſels of burthen ſmall and great with their Apparrell and furniture as are belonging to the ſaid forte and plantaçon (the great frigott Riding in Boſton harbor only excepted) And alſo ſhall deliver togeather with the ſaid barcques and boates all ſuch trucking ſtuffe and tradeing goods as ſhall be there then found or vnſould to be rated according to the true valew thereof vnto the ſaid Serjeant major to be vſed and enjoyed as his owne propper goods ſans account render towards the ſattisfaccon of the ſaid mounſeir's debt as aforeſaid In Teſtimonye whereof the ſaid parties to theſe preſent Indentures Interchaingeably have ſett their hands and ſeales Dated the thirteenth Day of May in the yeare of our lord God one thouſand ſixe hundred forty and fiue.

CHARLES DE SAINCT ESTIENNE,
and a Seale.

Sealed and delivered in
the preſence of vs

Thomas Fowle, Valentine Hill, John Jarvis,
Charles Dupre, Joſhua Scottow, Henry Sewall, Jun.
Alexander Creſtien. Demachtco.

Memorand: That vppon the day of ſale ſeizin and peaceable poſſeſſion of the fort and lands within ſpecified was taken had and delivered according to the tennor purport and effect of the deed within ſpecified in the preſence of us on the backſide.

MASSACHUSETTS ACT *about* ELECTIONS.

[Laws of Maſſachuſetts Edit. 1672, P. 48.]

WHEREAS it is found by experience that there are many who are Inhabitants of this juriſdiction, who are Enemies to all Government, Civil and Eccleſiaſtical, who will not yield Obedience to Authority, but make it much of their Religion to be in oppoſition thereto, and refuſe to bear Arms under others who notwithſtanding combine together in ſome Towns and make Parties ſuitable to their deſigns, in Election of ſuch perſons according to their ends;

It is therefore Ordered by this Court and the Authority thereof, that all perſons Quakers or others, which refuſe to attend upon the public Worſhip of God here

Eſtabliſhed; that all ſuch perſons whether Freemen or others, acting as aforeſaid, ſhall, and hereby are made uncapable of Voting in all Civil Aſſemblies during their obſtinate perſiſting in ſuch wicked wayes and courſes, and until certificate be given of their Reformation.

And it is further Ordered, that all thoſe Fines and Mulcts of any ſuch Delinquents as aforeſaid, which are not gathered nor paid to the ſeveral Treaſurers of the Counties, as alſo what Fines ſhall be laid on them for the future, ſhall be delivered by the Order of the County-Treaſurers reſpectively to the Select men of the ſeveral Towns whereunto they belong, to be by them improved for the poor of the Town.

MASSACHUSETTS ACT *againſt Hereſy and Error.*

[Laws of Maſſachuſetts, P. 58.]

ALTHOUGH no Humane power be Lord over the Faith and Conſciences of men, yet becauſe ſuch as bring in damnable Hereſies, tending to the ſubverſion of the Chriſtian Faith, and deſtruction of the Souls of men, ought duely to be reſtrained from ſuch notorious impieties;

It is therefore Ordered and Declared by the Court; That if any Chriſtian within this Juriſdiction ſhall go about to ſubvert and deſtroy the Chriſtian Faith and Religion, by broaching and maintaining any damnable Hereſies: As denying the Immortality of the Soul, or reſurrection of the Body, or any ſin to be repented of in the regenerate, or any evil done by the outward man to be accounted ſin, or denying that Chriſt gave himſelf a Ranſome for our ſins, or ſhall affirm that we are not juſtified by his death and righteouſneſs, but by the perfections of our own works, or ſhall deny the Morality of the Fourth Commandment, or ſhall openly condemn or oppoſe the Baptizing of Infants, or ſhall purpoſely depart the Congregation at the adminiſtration of that Ordinance, or ſhall deny the Ordinance of Magiſtracy, or their lawful Authority, to make War, or to puniſh the outward breaches of the firſt Table, or ſhall endeavour to ſeduce others to any of the Errors or Hereſies abovementioned; every ſuch perſon continuing obſtinate therein, after due means of conviction, ſhall be ſentenced to Baniſhment. [1646. 44.]

* PASSPORT *for* SAMUEL GORTON.

[Hubbard's M. S. Hiſtory.]

By the Governour in Chief, the Lord High Admirall, and Commiſſioners appointed by the Parliament for the Engliſh Plantations in America.

WHEREAS wee have thought fit to give an order for † S. G. R. H. and I. G. and others late Inhabitants of a Tract of land called Narrhaganſet Bay in New England to returne with Freedome to the ſaid Tract of Land, and there to inhabit without interruption. Theſe are therefore to pray and require you, and all other whom this may concerne, to permit and ſuffer the ſaid S. G. &c. with their Company, goods and neceſſaries carried with them out of England to land at any Port in New England, where the ſhip wherein they imbarque themſelves ſhall arrive, and from thence to paſs without any of your letts or moleſtation, through any part of the Country of America within your Juriſdiction, to the ſaid Bay or any part thereof they carrying themſelves without offence, and paying according to the Cuſtome of the Country for all things they ſhall make uſe of in their way, for Victuals, carriage, and their Accomodation; hereof you may not faile, and this ſhall be your warrant. Dated at Weſtminſter May 15. 1646.

To the Governor and Aſſiſtants of the Engliſh Plantation in the Maſſachuſetts in New England, and to all other Governors and other Inhabitants of New England and all others whom this may concerne.

NOTTINGHAM,
FRA: DACRE,
COR. HOLLAND,
‡ *cum multis aliis.*

TO

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* This cannot be an exact Copy of the Order; the *names* at leaſt muſt have been written at full Length.

† Samuel Gorton, Randal Holden, and John Green.

‡ I ſuppoſe this to be inſerted by the Hiſtorian to prevent the Trouble of tranſcribing the reſt of the Names.

TO *the Right Honorable* ROBERT *Earle of* WARWICK *Governor in Chief, Lord Admirall, and other the Lords and Gentlemen, Commiſſioners for Forreigne Plantations.*

[Hubbard's MSS. Hiſt.]

The humble Remonſtrance and Petition of the Governor and Company of the Maſſachuſets, in way of anſwer to the petition and Declaration of S. Gorton, &c.

WHEREAS by vertue of his Majeſties Charter granted to the Patentees in the fourth year of his Highneſs Reigne, we were incorporated into a body politick, with divers liberties and priviledges extending to that part of New-England where we now inhabit, we do acknowledge (as wee have always done, and as in Duty wee are bound) that although wee are removed out of our native Country, yet we ſtill have dependence upon that ſtate, and owe allegiance and ſubjection thereunto according to our Charter, and accordingly wee have mourned and rejoiced therewith, and have had friends and Enemies in Common with it, in all the changes which have befallen it: Our Care and endeavour hath been to frame our Government and Adminiſtration to the fundamentall Rules thereof, ſo far as the different condition of this place and people; and the beſt light we have from the word of God, will allow. And whereas by order from your Honours bearing date May 15th 1646 Wee find that your Honours have ſtill that good Opinion of us, as not to credit what hath been informed againſt us, before wee be heard, wee render humble thanks to your Honours for the ſame, yet for as much as our anſwer to the information of the ſaid Gorton, &c. is expected, and ſomething alſo required of us, which (in all humble Submiſſion) wee conceive may be prejudiciall to the liberties granted us by the ſaid Charter, &c. and to our well being in theſe remote parts of the world (under the comfort whereof by the bleſſing of the Lord, his Majeſties favour and the ſpeciall Care and bounty of the High Court of Parliament, wee have lived in peace and proſperity theſe 17 years) our humble petition in the firſt place is, that our preſent and future conformity to your orders and directions, may be accepted with a ſalvo jure, that when times may be changed (for all things here below are ſubject unto vanity) and other Princes or Parliaments may ariſe, the Generations ſucceeding may not have Cauſe to lament and ſay, England ſent our fathers forth with happy liberties, which they enjoyed many yeares, notwithſtanding all the

enmity and oppoſitions of the Prelacy and other potent Adverſaries, how came wee then to looſe them, under the favour and protection of that State, in ſuch a Seaſon, when England itſelf recovered its own. In freto viximus, in portu morimur. But wee confide in your honours Juſtice, Wiſdome, and Goodneſs that our poſterity ſhall have cauſe to rejoice under the fruit and ſhelter thereof, as ourſelves and many others doe. And therefore wee are bold to repreſent to your honours our apprehenſions, whereupon wee have thus preſumed to petition you in this Behalfe. It appears to us by the ſaid Order that wee are conceived 1. to have tranſgreſſed our limitts by ſending Souldiers, to fetch in Gorton, &c. out of Shaommet in the Narrhaganſet Bay. 2 That wee have either exceeded or abuſed our authority in baniſhing them out of our Juriſdiction, when they were in our power. For the firſt wee humbly crave (for our better ſatisfaction) that your Honours will be pleaſed to peruſe what we have delivered to the care of Mr. Edward Winſlow our Agent, or Comiſſioner, (whom wee have ſent on purpoſe to attend your Honours) concerning our proceedings in that affaire, and the grounds thereof, which are truely and faithfully reported, and the letters of the ſaid Gorton, and his Company, and other letters concerning them faithfully copied out, (not verbatim only but literatim, according to their own bad Engliſh) by the Originall's wee have by us, and had ſent them but for caſualty of the Seas; thereby it will appear what the men are, and how unworthy your favour; Thereby alſo will appear the wrongs and provocations wee received from them, and our long patience towards them, till they became our profeſſed enemies, wrought us diſturbance, and attempted our Ruine; in which Caſe (as we conceive) our Charter gives us full power to deale with them as enemies by force of armes, they being then in ſuch place, where wee could have no right from them by civil Juſtice: which the Comiſſioners for the United Colonies finding, and the neceſſity of calling them to account, left us the buſineſs to doe. For the other particulars in your Honours order, viz. the baniſhment of Gorton, &c. as we are aſſured upon good grounds, our ſentence upon them was leſs than their deſerving, ſo (as wee conceive) wee had ſufficient autority, by our Charter to inflict the ſame, having full and abſolute Power and Autority to puniſh, pardon, rule, governe &c granted us therein.

Now by occaſion of the ſaid Order, Thoſe of Gorton's Company begin to lift up their heads, and ſpeake their pleaſures of us, threatening the poor Indians alſo, who (to avoyd their Tyranny) had ſubmitted themſelves and their lands under our protection and government, and divers other Sachems, following their example, have done the like, and ſome of them brought (by the labour of one of our miniſters, Mr. John Eliot, who hath obtained to preach to them in their own language) to good forwardneſs in embraceing the Goſpell of God in Chriſt Jeſus. All which hopeful beginnings are like to be deſpiſed if Gorton &c. ſhall be countenanced, and upheld

upheld againſt them and us, which alſo will endanger our peace here at home; For ſome among ourſelves (men of unquiet Spirits, affecting rule and innovations) have taken boldneſs to preferre ſcandalous, and ſeditious Petitions, for ſuch liberties as neither our Charter, nor Reaſon or Religion will allow: and being called before us in open Court to give account of their miſcarriage therein, they have threatened us with your Honours Authority, and (before they knew we would proceed to any Sentence againſt them or not) have refuſed to anſwer, but appealed to your Honours. The Copie of their Petition, and our Declaration thereupon, our ſaid Comiſſioner hath ready to preſent to you, when your leiſure ſhall permit to hear them. Their appeals we have not admitted, being aſſured they cannot ſtand with the liberty and power granted us, by our Charter, nor will be allowed by your Honours who well know it would be deſtructive to all Government both in the Honour and alſo in the Power of it, if, it ſhould be in the power of Delinquents to evade the Sentence of Juſtice, and force us by appeal to follow them into England, where the Evidences and Circumſtances of fact cannot be ſo clearly held forth, as in their proper place, beſides the inſupportable Charges we muſt be at in the proſecution of it.

Theſe Conſiderations are not new to your Honours and the high Court of Parliament, the Records whereof bear Witneſs of the wiſdome and faithfulneſs of our Anceſtours in the great Council who in thoſe times of darkneſs when they acknowledged the Supremacy in the Biſhop of Rome in all cauſes Eccleſiaſticall, yet would not allow appeals to Rome &c. to remove Cauſes out of the Courts in England.

Beſides (tho' we ſhall readily admit, that the wiſdome and experience of the great Council and of your Honours as a part thereof, are more able to preſcribe Rules of Government, and to judge the Cauſes, than ſuch poor Ruſticks, as a Wilderneſs can breed up yet) conſidering the vaſt difference between England, and theſe parts (which uſually abate the vertue of the ſtrongeſt influences) your Counſels and Judgments could neither be ſo well grounded, nor ſo ſeaſonably applyed, as might either be ſo uſeful to us or ſo ſafe for yourſelves, in your Diſcharge in the great Day of Account, for any miſcarriages which might befall us, whiles we depended upon your Counſell and helpe, which could not ſeaſonably be adminiſtered to us; whereas if any ſuch ſhould befall us, when wee have the Government in our own hands, the State of England ſhall not anſwer for it.

In Conſideration of the premiſes, our humble petition to your Honours (in the next place) is that you would be pleaſed to continue your favourable aſpect upon theſe poor infant Plantations, that wee may ſtill rejoice and bleſs our God under your Shadow, and be there ſtill nouriſhed (tanquam calore et rore cœleſti) and while God ownes us for a people of his, he will owne our poor Prayers for you, and your goodneſs towards us for our abundant recompence, and this in ſpeciall, if you ſhall pleaſe to paſs by any failings you have obſerved in our courſe, to confirme our liber-

ties

ties granted to us by Charter, by leaving delinquents to our juſt proceedings and diſcountenancing our enemies and diſturbers of our peace, or ſuch as moleſt our people there, upon pretence of injuſtice. Thus craving Pardon if wee have preſumed too farre upon your Honours patience, and expecting a gracious Teſtimony of your wonted favour by this our Agent, which ſhall further oblige us and our Poſterity, in all humble and faithfull Service to the High Court of Parliament, and to your Honours wee continue our earneſt prayers for your proſperity for ever.

By order of the Generall Court,

INCREASE NOWELL, Secretary.

MASSACHUSETTS ACT *againſt* JESUITS.

[Laws of Maſſ. Bay, Edit. 1672, Fo. 67.]

THIS Court taking into conſideration the great Wars, Combuſtions and Diviſions which are this day in *Europe* and that the ſame are obſerved to be raiſed and fomented, chiefly by the ſecret underminings, and ſolicitations of thoſe of the Jeſuitical Order, Men brought up and Devoted to the Religion and Court of Room, which hath occaſioned divers ſtates to expel them their Territories, for prevention whereof among our ſelves;

It is ordered and Enacted by Authority of this Court, That no Jeſuite or Spiritual or Eccleſiaſtical perſon (as they are termed) Ordained by the Authority of the Pope or See of Room, ſhall henceforth at any time repair to or come within this Juriſdiction: And if any perſon ſhall give juſt cauſe of ſuſpition, that he is one of ſuch ſociety or order, he ſhall be brought before ſome of the magiſtrates, and if he cannot free himſelf from ſuch ſuſpition, he ſhall be committed to Priſon, or bound over to the next Court of Aſſiſtants, to be tryed and proceeded with, by Baniſhment or otherwiſe as the Court ſhall ſee cauſe.

And if any perſon ſo Baniſhed, be taken the ſecond time within this Juriſdiction, upon lawful tryal and conviction, he ſhall be put to Death. Provided this Law ſhall not extend to any ſuch Jeſuite, Spiritual or Eccleſiaſtical perſon, as ſhall be caſt upon our Shores by ſhip-wreck or other Accident, ſo as he continue no longer then till he may have opportunity of Paſſage for his departure; nor to any ſuch as ſhall come in company with any Meſſenger hither upon publick occaſions, or Merchant, or Maſter of any Ship belongin g to any place, not in enmity with the State of England, or our ſelves, ſo as they depart again with the ſame meſſenger, Maſter or Merchant, and behave themſelves inoffenſively during their abode here. [1647].

The

The PARLIAMENT'S *Commiſſioners Letter to* MASSACHUSETTS, *about* SAMUEL GORTON, *&c.*

[Hubbard's M. S. Hiſt.]

AFTER our hearty Comendations, &c. By our letter of May 15. 1646 wee communicated unto you our reception of a complaint from S. G. R. Holden, &c. touching ſome proceedings tryed againſt them by your Government we alſo imparted to you our reſolutions (grounded upon certain reaſons ſet forth in ſaid letter) for their reſideing upon Showamet, and the other parts of that tract of land, which is mentioned in a letter of civill incorporation, heretofore granted unto them by us, praying and requiring of you to permit the ſame accordingly without extending your Iuriſdiction to any part thereof, or diſquieting them in their Civill peace, or otherwiſe interrupting them in their poſſeſſion untill wee ſhould receive your anſwer to the ſame in point of Title, and thereupon give further order; wee have ſince received a petition or remonſtrance from you, by your Comiſſioner Mr. Winſlow and though wee have not yet entered into a particular conſideration of the matter, yet wee doe in the Generall take notice of your requeſt, as well as the Parliament's Authority, as your owne juſt Priviledges; and find cauſe to be farther confirmed in our former Opinion, and knowledge of your prudence, and faithfulneſs to God and his cauſe. And perceiving by your petition that ſome perſons do take advantage from our ſaid letters to decline and queſtion your Juriſdiction, and pretend to a general liberty to appeale hither upon their being called in queſtion before you, for matters proper to your Cognizance, wee thought it neceſſary (for the preventing further Inconveniencies in this kind) hereby to declare that wee intended not thereby to encourage any appeales from your juſtice, nor reſtraine the bounds of your Iuriſdiction to a narrower compaſs than is held forth by your letters Patents, but to leave you all that freedome and latitude, that may in any reſpect be duely claimed by you, knowing that the limiting of you in that kind may be very prejudicial (if not deſtructive) to the Government, and public peace of the Colonies, for your further ſatisfaction wherein you may remember that our ſaid reſolution tooke riſe from an admittance that the Narrhaganſet Bay (the thing in queſtion) was wholly without the bounds of your Patent, the examination whereof, will in the next place come before us; In the mean time wee have received advertiſement that the place is within the Patent of New Plimouth, and that the grounds of your Proceedings againſt the Complainants, was a joint Authority from the four Governments of Maſſachuſetts, Plimouth Connecticot and Newhaven, which if it falls in upon Proof will

much alter the ſtate of the queſtion. And whereas our ſaid Direction exhibited not only to yourſelves, but alſo to all the other Governments and Plantations, whom it might concerne, wee declare that wee intended thereby no prejudice to any of their next Neighbours, nor the countenancing of any Practice to violate them, and that we ſhall be ready for the future to give our encouragement and aſſiſtance in all your endeavours for ſetling your peace and Government and Advancement of the Goſpell of Jeſus Chriſt, to whoſe bleſſing we comend your Perſons and Affaires.

Your loving friends,

From the Comittee of
Lords and Comons
May 25th, 1647.

WARWICKE, Gov. and Admirall.
MANCHESTER,
WM. SAY and SEALE, &c.

The PARLIAMENT'S *Commiſſioners Letter to* MASSACHUSETTS, *about* SAMUEL GORTON, *&c.*

[Hubbard's M. S. Hiſtory.]

IN our late letter of May 25. wee imparted how farre we had proceeded upon the Petition of S. G. and R. H. &c. we did by our ſaid letter declare our tenderneſs of your juſt priviledges, and of preſerving intire the Authority and Juriſdiction of the ſeveral Governments in New England, whereof wee ſhall ſtill expreſs our continued care: wee have ſince that taken further conſideration of the Petition, and ſpent ſome time in hearing both parties concerning the bounds of thoſe Patents under which your and the other Governments do claime to the end wee might receive Satisfaction, whether Showamet and the reſt of the Tract of Land pretended to by the Petitioners, be actually included within any of your limits, in which point (being matter of fact) wee could not at this diſtance give a reſolution, and therefore leave that matter to be examined and determined upon the place if there ſhall be occaſion; for that the boundaries will be there beſt knowne, and diſtinguiſhed; and if it ſhall appear that the ſaid Tract of Land is within the limits of any of the New England Patents, wee ſhall leave the ſame and the Inhabitants thereof, to the Juriſdiction of that Government under which they fall. Nevertheleſs for that the Petitioners have tranſplanted their Families thither, and there ſettled their reſidences at a great charge, Wee comend it to the Government within whoſe Juriſdic-

tion they ſhall appear to be as our only deſire at preſent in this matter,) not only not to remove them from their Plantations, but alſo to encourage them with protection and Aſſiſtance in all fitt wayes. Provided that they demean themſelves peaceably, and not endanger any of the Engliſh Colonyes by a prejudiciall correſpondency with the Indians or otherwiſe, wherein if they ſhall be found faulty, wee leave them to be proceeded againſt according to Juſtice. To this purpoſe wee have alſo written our letters of this Tenor to the Governors of New Plimouth and Connecticot, hoping that a friendly Compliance will engage thoſe Perſons to an inoffenſive order, and conformity; and ſo become an act of greater conqueſt, honor, and contentment to you all, than the ſcattering and reduceing of them by an hand of power: And ſo, not doubting of your Concurrence with this Deſire, as there ſhall be occaſion, We comend you to the Grace of Chriſt, reſting

Your very affectionate friends

WARWICK, Gov. and Admirall,
MANCHESTER,
PEMBROKE,
MONTGOMERY,
GEORGE FENWICKE,
COR. HOLLAND, &c.

☞ There is no Date to this Letter in Hubbard.

MASSACHUSETTS *Act againſt Trade with* VIRGINIA.

[Maſſachuſetts Records.]

At a General Court holden at Boſton 7th. May 1651.

WHEREAS this Court hath taken Notice of an Act of the Parliament of England, bearing Date October the 3d. 1650 prohibiting Trade with Barbadoes, Virginia, Bermudas and Antego. It is therefore ordered by this Court and the Authority thereof that after Publication hereof no Captain, Commander, Maſter of Ship or other Veſſel ſailing from any Port or Harbour within this Juriſdiction ſhall trade with any of the ſaid prohibited Places of Barbadoes, Virginia, Bermudas or Antego on Penalty of Forfeiture of Ship and Goods unto this Com-

mon wealth upon legal Proof and Conviction thereof; This Order to be preſently publiſhed by Proclamation and poſting up in Boſton, Charleſtown and Salem, and to be in Force untill the Compliance of the aforeſaid Places of Barbadoes, Virginia, Bermudas and Antego with the Commonwealth of England, or that this Court take further Order therein.

ORDER *of Court* (MASSACHUSETTS) *to uſe the old* ENGLISH *Colours.*

[Maſſachuſetts Records.]

FORASMUCH as this Court conceives the Old Engliſh Colours now uſed by the Parliament of England to be a neceſſary Badge of Diſtinction betwixt the Engliſh and other Nations in all Places of the world, till the State of England ſhall alter the ſame, which we much deſire, we being of the ſame Nation, have therefore ordered that the Captain of the Caſtle ſhall preſently advance the aforeſaid Colours of England upon the Caſtle upon all neceſſary occaſions.

PLYMOUTH's *Refuſal to aſſiſt* NEW HAVEN.

[Plymouth Colony Records.]

June 5th. 1651.

WHEREAS by a Letter from New Haven aide by them was requeſted and required in ſettleing a plantation at Delaware againſt ſuch as doe oppoſe them in that reſpect, the Court having conſidered thereof think it not meet to anſware theire deſire in that behalfe, and will have no hand in any ſuch Contreverſy about the ſame.

COPY

COPY *of a Letter from* MR. WILLIAM ARNOLD *to the Governor of* MASSACHUSETTS.

[Hutchinson's Original Papers.]

From Pautuxit this firſte day of the 7th mo. 1651.

Much honoured,

I THOUGHT it my dutie to give intelligence unto the much honoured Court of that which I underſtand is now working here in theſe partes. So that if it be the will of God, an evill may be prevented before it come to too greate a head, viz.

Whereas Mr. Coddington have gotten a charter of Roade Iland and Conimacucke Iland to himſelfe, he have thereby broken the force of their charter that went under the name of Providence, becauſe he have gotten away the greater parte of that colonie.

Now theſe company of the Gortoniſts that live at Showomut, and that company of Providence are gathering of 200 £. to ſend Mr. Roger Williams unto the Parlyament to get them a charter of theſe partes, they of Showomut have given 100 £. already, and there be ſome men of Providence that have given 10£. and 20£. a man to helpe it forward with ſpeede, they ſay here is a faire inlett, and I heare they have ſaid, that if the Parlyament doe take diſpleaſure againſt Maſſachuſett, or the reſt of the colonies, as they have done againſt Barbadas and other places, then this will ſerve for an inroade to lett in forces to over-rune the whole country.

It is great petie and very unfitt that ſuch a company as theſe are, they all ſtand profeſſed enemies againſt all the united colonies, that they ſhould get a charter for ſo ſmale a quantity of land as lyeth in and about Providence, Showomut, Pautuxit and Coicett, all which now Roade Iland is taken out from it, it is but a ſtrape of land lying in betweene the colonies of Maſſachuſits, Plymouth and Conitaquot, by which means, if they ſhould get them a charter, off it there may come ſome miſchiefe and trouble upon the whole country if their project be not prevented in time, for under the pretence of liberty of conſcience about theſe partes there comes to live all the ſcume the runne awayes of the country, which in tyme for want of better order may bring a heavy burthen upon the land, &c. This I humbly commend unto the ſerious conſideration of the much honored court, and reſt your humble ſervant to command.

WILLIAM ARNOLD.

They are making haſt to ſend Mr. Williams away.

We that lieve heere neere them and doe know the place and hear their wordes and doe take notice of their proceeding doe know more and can ſpeake more of what evill may come to the country by their meanes, then the court do yet conſider off: We humblie deſire God their purpoſe may be fruſterated for the country's peace.

I humblie deſire my name may be conceled leſt they hearing of what I have herein written they will be enraged againſt me and ſo will revenge themſelves upon me.

Some of them of Showomut that cryeth out much againſt them which putteth people to death for witches; for ſay they there be no other witches upon earth nor devils, but your own paſtors and miniſters and ſuch as they are, &c.

I underſtand that there liveth a man amongſt them that broke priſon either at Conitaquit, or New-Haven, he was apprehended for adultery, the woman I heare was put to death, but the man is kept heere in ſafetie in the mideſt of the united colonies; it is time there were ſome better order taken for theſe partes, &c.

I have hired this meſſenger on purpoſe. I humblie deſire to heare if this letter come ſafe to your hands.

INSTRUCTIONS *for Captain* ROBERT DENIS, *Mr.* RICHARD BENNET, *Mr. Thomas* STAGGE, *and Captain* WILLIAM CLAYBOURNE, *appointed Commiſſioners for the reducing of* VIRGINIA, *and the Inhabitants thereof, to their due Obedience to the Commonwealth of* ENGLAND.

[Thurloe's State Papers, Vol. I. Page 197.]

WHEREAS the Parliament of England, by An Act intituled An Act prohibiting trade with the Barbadoes, Virginia, Bermudas, and Antegoa, hath committed to this Council ſeveral Powers therein expreſſed, for the ſettling, reducing, and governing the ſaid Iſlands, printed Copies of which Acts are herewith delivered unto you; in purſuance whereof a Fleet is now ſet forth, victualled, armed, and manned, under the Command and Conduct of Captain Robert Denis, to effect, by the bleſſing of God, the Ends aforeſaid; and for the management of that Service you are jointly

joiatly nominated and appointed Commiſſioners, and for your better Directions and proceedings therein you are to follow and purſue theſe Inſtructions following:

Such of you as are here, are to repair on board the Ship John, or the Guinea frigot of the States, which of them you ſhall think fit; and, wind and weather permitting, to ſail to Virginia, as captain Robert Denis ſhall direct and appoint.

And upon your Arrival at Virginia, you, or any two or more of you (whereof captain Robert Denis to be one) ſhall uſe your beſt endeavours to reduce all the Plantations within the Bay of Cheſopiaik to their due Obedience to the Parliament of the Commonwealth of England. For which Purpoſe you, or any two or more of you (whereof Captain Robert Denis to be one) have hereby power to aſſure Pardon and Indemnity to all the Inhabitants of the ſaid Plantations, that ſhall ſubmit unto the preſent Government and authority, as it is eſtabliſhed in the Commonwealth; in which pardons you may make ſuch limitations and**** two or more of you (whereof captain Robert Denis*****

And in caſe they ſhall not ſubmit by fair ways and means, you are to uſe all Arts of hoſtility, that lie in your power to enforce them; and if you ſhall find, that the People ſo ſtand out, as that you can by no other ways or means reduce them to their due Obedience, you, or any two or more of you (whereof captain Robert Denis to be one) have power to appoint captains and other officers, and to raiſe forces within every of the Plantations aforeſaid, for the furtherance and good of the Service; and ſuch perſons as ſhall come unto you, and ſerve as ſoldiers, if their maſters ſhall ſtand in oppoſition to the preſent government of this commonwealth, you, or any two or more of you (whereof captain Robert Denis to be one) have hereby Power to diſcharge and ſet free from their maſters all ſuch perſons ſo ſerving as ſoldiers.

You ſhall cauſe and ſee all the ſeveral acts of parliament againſt kingſhip and the Houſe of lords to be received and publiſhed; as alſo the Acts for aboliſhing the Book of common prayers, and for ſubſcribing the engagement, and all other Acts herewith delivered you.

You or any two or more of you, have full Power to adminiſter an oath to the Inhabitants or planters there, to be true and faithful to the commonwealth of England, as it is now eſtabliſhed, without a King or a houſe of lords.

You, or any two or more of you (whereof captain Robert Denis to be one) have power to give liberty to the inhabitants and planters, who ſhall have taken the engagement formerly mentioned, to chooſe ſuch burgeſſes as they ſhall think fit, and ſend to the Place you ſhall appoint, for the better regulating and governing of affairs there; provided that nothing be acted contrary to the government of this commonwealth of England and the lawes there eſtabliſhed.

You

You ſhall cauſe all writs, warrants, and other proceſs whatſoever to be iſſued forth as occaſion ſhall require, in the name of the keepers of the liberty of England by authority of the parliament.

In Caſe of mortality, or abſence of captain Robert Denis, you or any two or more of you, have power to put in execution theſe inſtructions.

In Caſe of mortality, or abſence of captain Robert Denis, Edmund Curtis, commander of the Guinea frigot, is hereby impowered to act as commiſſioner with you, or any two or more of you; and he is alſo in the abſence of captain Robert Denis to take the Charge and command of the Fleet, ſo far as concerns the ſhipping, according to the power given to captain Robert Denis.

And laſtly, as we doubt not but you will uſe your beſt diligence and care in carrying on of this affair of conſequence, with which you are intruſted, and that by your good endeavours it will have a good iſſue; ſo the council will take the ſame into conſideration, that reſpect may be had of your Pains and travel therein, and of a recompence agreable to your ſervice, when the ſame ſhall be compleated, and work, upon which you are employed, ſhall be finiſhed.

Signed in the name and by order of the council of

State appointed by authority of Parliament.

JO BRADSHAWE, Preſident.

Whitehall 26th September 1651.

REPEAL *of* MASSACHUSETTS *Act againſt Trade with* VIRGINIA, *&c.*

[Maſſachuſetts Records.]

14*th. October* 1651.

WHEREAS by order of this Court bearing Date the two and twentieth Day of the third Month 1651 all Trade with Barbadoes, Antego, Bermudas and Virginia is prohibited and thereby all Maſters of Ships or ſmaller Veſſells are coumanded to forbear the tranſporting of any Goods or Merchandize to the aforeſaid Places as being in Rebellion againſt the Commonwealth of England upon the Penalty of Forfeiture of Ship and Goods, ſince which Time having Intelligence that the Fleet under the Command of Sir George Aiſcue is ſet forth by the Parliament for the reducing the ſaid Iſland of Barbadoes and may probably by God's Bleſſing

Bleſſing have effected the ſame, and this Court having received a Petition from diverſe Merchants, and Mariners for Liberty to ſail forth of theſe Parts to the ſaid prohibited Places or ſome of them giving in Caution not to land any Goods in or trade with any the ſaid places except they be reduced to the Obedience of the Commonwealth of England; Wherefore it is ordered by this Court and the Authority thereof that the Governor or any two Magiſtrates ſhall have Power to grant Liberty to ſuch as have or may deſire to ſail forth hence to any of the aforeſaid Places taking ſufficient Caution by Bond of one or two thouſand Pounds Sterling more or leſs according to the Burthen of the Ship, or value of the Cargo they ſhall ſet forth withal.

PROVINCE *of* MAINE's *Petition to the Council of State in* ENGLAND.

[Records of Province of Maine.]

TO the Right Honourable the Counſell of State appointed by Parliament The humble Remonſtrance and Petition of the General Court, aſſembled in and for the Province of Mayne in New England 5 December 1651. Whereas the Parliament have declared by an Act of the 3d of October 1650 That the Iſlands and other Places in America where any Engliſh are planted are and ought to be ſubject to and dependent upon England, and hath ever ſince the Planting thereof been and ought to be ſubject to ſuch Laws Orders and Regulations as are and ſhall be made by the Parliament of England and for as much as we take our ſelves to be members of that grand Body, thinking it our greateſt Honour and Safety ſo to be; freely and willingly ſubjecting our ſelves unto the preſent Government as it is now eſtabliſhed without a King or Houſe of Lords, and therefore we beg the Benefit of the Common ſafety and Protection of our Nation, and humbly crave Leave to preſent unto your Honours our Remonſtrance and Petition as followeth—

Humbly ſheweth that whereas divers of the Inhabitants of this Province by Virtue of ſundry Patents and otherwiſe have this Twenty Years engaged our Lives Eſtates and Induſtry here and regulated under the Power and Comiſſion of Sir Ferdinando Gorges who had theſe Parts aſſigned him for a Province now he being dead and his Son by his great Loſſe here ſuſtained hath taken no order for out Regement and the moſt of the Comiſſioners dead and departed the Province we were forced and neceſſitated to joyne our ſelves together by way of Combination to govern and rule according to the Laws of England. Our humble Requeſt unto your Honours therefore is to confirm our ſaid Power and Authority for our better Rege-

ment by Power from your ſelves that you would be pleaſed to declare us Members of the Comon Wealth of England and that we and our Poſterities may enjoy our Immunities and Priviledges as freeborn Engliſhmen together with the Continuation of ſuch other Rights as we enjoy as Planters as alſo equal ſhare of your Favours beſtowed on the Colonies in theſe Parts.

Per me Ed: Godfrey Gov. in Behalf of the General Court.

ARTICLES *agreed on and concluded at* JAMES *Cittie in* VIRGINIA *for the ſurrendering and ſettling of that plantation under the obedience and government of the common wealth of* ENGLAND *by the Commiſſioners of the Council of ſtate by authoritie of the parliamt. of England and by the Grand aſſembly of the Governour, Council and Burgeſſes of that countrey.*

[Jefferſon's Notes on the State of Virginia.]

FIRST it is agreed and conſted that the plantation of Virginia, and all the inhabitants thereof ſhall be and remaine in due obedience and ſubjection to the Common wealth of England, according to the lawes there eſtabliſhed, and that this ſubmiſſion and ſubſcription be acknowledged a voluntary act not forced nor conſtrained by a conqueſt upon the countrey, and that they ſhall have and enjoy ſuch freedomes and priviledges as belong to the free borne people of England, and that the former government by the Comiſſions and inſtructions be void and null.

2ly, Secondly that the Grand aſſembly as formerly ſhall convene and tranſact the affairs of Virginia wherein nothing is to be acted or done contrarie to the government of the Common wealth of England and the lawes there eſtabliſhed.

3ly, That there ſhall be a full and totall remiſſion and indempnitie of all acts, words, or writeings done or ſpoken againſt the parliament of England in relation to the ſame.

4ly, That Virginia ſhall have and enjoy the antient bounds and Lymitts granted by the charters of the former kings, and that we ſhall ſeek a new charter from the parliament to that purpoſe againſt any that have intrencht upon the rights thereof.

5ly, That all the pattents of land granted under the collony ſeale by any of the precedent governours ſhall be and remaine in their full force and ſtrength.

6ly, That the priviledge of having ffiftie acres of land for every perſon tranſported in that collonie ſhall continue as formerly granted.

7ly, That the people of Virginia have free trade as the people of England do enjoy to all places and with all nations according to the lawes of that common wealth, and that Virginia ſhall enjoy all priviledges equall with any Engliſh plantations in America.

8ly, That Virginia ſhall be free from all taxes, cuſtoms and impoſitions whatſoever, and none to be impoſed on them without conſent of the Grand aſſembly, And ſoe that neither ffortes nor caſtles bee erected or garriſons maintained without their conſent.

9ly, That noe charge ſhall be required from this country in reſpect of this preſent ffleet.

10ly, That for the future ſettlement of the countrey in their obedience, the Engagement ſhall be tendered to all the Inhabitants according to act of parliament made to that purpoſe, that all perſons who ſhall refuſe to ſubſcribe the ſaid engagement, ſhall have a yeare's time if they pleaſe to remove themſelves and their eſtates out of Virginia, and in the mean time during the yeare to have equall juſtice as formerly.

11ly, That the uſe of the booke of common prayer ſhall be permitted for one yeare enſueinge with reference to the conſent of the major part of the pariſhes, provided that thoſe things which relate to kingſhip or that government be not uſed publiquely, and the continuance of miniſters in their places, they not miſdemeaning themſelves, and the payment of their accuſtomed dues and agreements made with them reſpectively ſhall be left as they now ſtand during this enſueing yeare.

12ly, That no man's cattell ſhall be queſtioned as the companies unleſs ſuch as have been entruſted with them or have diſpoſed of them without order.

13ly, That all ammunition, powder and armes, other than for private uſe, ſhall be delivered up, ſecuritie being given to make ſatisfaction for it.

14ly, That all goods allready brought hither by the Dutch or others which are now on ſhore ſhall be free from ſurprizall.

15ly, That the quittrents granted unto us by the late kinge for ſeven yeares bee confirmed.

16ly, That the commiſſioners for the parliament ſubſcribeing theſe articles engage themſelves and the honour of the parliament for the full performance thereof: and that the preſent governour and the council and the burgeſſes do likewiſe ſubſcribe and engage the whole collony on their parts.

RICH. BENNETT.——————Seale.
Wm. CLAIBORNE.——————Seale.
EDMUND CURTIS.——————Seale.

Theiſe articles were ſigned and ſealed by the Commiſſioners of the Council of ſtate for the Commonwealth of England the twelveth day of March 1651.

ARTICLES *for the Surrendering of* VIRGINIA *to the Subjection of the Parliament of the Commonwealth of* ENGLAND *agreed upon by the honourable the Commiſſioners for the Parliament and the honorable the Governor and Council of State.*

[From a MSS. Copy.]

FIRST, that neither Governor nor Council ſhall be obliged to take any oath nor engagements to the Commonwealth of England for one whole year and that neither Governor nor Council be cenſured for praying for or ſpeaking well of the king for one whole year in their private houſes and neighborly conferences.

2dly That there be one ſent home at the preſent Governor's choice to give an account to his Majeſty of the ſurrender of this Country, this preſent Governor bearing his charges, that is, Sir William Berkely.

3dly That the preſent Governor (that is Sir William Berkely) and the Council ſhall have leave to ſell and diſpoſe of their eſtates and tranſport themſelves whither they pleaſe.

4ly That the Governor and Council though they take not the engagements one whole year ſhall yet have equal free juſtice in all the courts of Virginia until the expiration of one whole year.

5ly That all the Governor and Council's lands and houſes and whatſoever belongs to them be particularly ſecured and provided for in theſe articles.

6ly That all debts due to the Governor by act of aſſembly and all debts due to officers made by the aſſembly be perfectly made good to them and that the Governor be paid out of the goods remaining in the Country of the Dutch ſhip that went away clear for Holland without paying his cuſtoms.

7ly That the Governor may have free leave to hire a ſhip in England or Holland to carry away the Governor's goods and the Council's, and what he or they have to tranſport for Holland or England without any let in any of the ſtates ports or any moleſtation by any of the ſaid ſhips at ſea or in their rivers or elſewhere or by any of the ſhips in the Common wealth of England whatſoever.

8ly That the Captain of the fort be allowed ſatisfaction for the building of his houſe in the Fort iſland.

9ly That all perſons that are now in this Colony of what quality or condition ſoever that hath ſerved the king here or in England ſhall be free from all dangers puniſhments

niſhments or mulcts whatſoever here or elſewhere and this article as all other articles to be in as clear terms as the learned in the law of arms can expreſs.

10ly That the ſame inſtant the Commiſſions are reſigned an act of oblivion and indemnity be iſſued out under the hands and ſeals of the Commiſſioners for the parliament and that no perſons in any court of juſtice in Virginia do queſtion for their opinions in any court determined by them.

11ly That the Governor and Council ſhall have their paſſes to go any way from hence in any ſhip in any time within a year and in caſe they go for London or other place in England that they or any one of them ſhall be free from any trouble or hinderance of arreſt or ſuch like in England that they may follow their occaſions for the ſpace of ſix months after their arrival.

Theſe articles were ſealed ſworn unto by us the Commiſſioners for the parliament of the Commonwealth of England 12th March 1651.

AN ACT *of indempnitie made att the ſurrender of the countrey.*

[Jefferſon's Notes on the State of Virginia.]

WHEREAS by authoritie of the parliament of England wee the commiſſioners appointed by the council of ſtate authorized thereto having brought a fleete and force before James cittie in Virginia to reduce that collonie under the obedience of the commonwealth of England, and findeing force raiſed by the governour and countrey to make oppoſition againſt the ſaid ffleet whereby aſſured danger appeareing of the ruine and deſtruction of the plantation for prevention whereof the Burgeſſes of all the ſeveral plantations being called to adviſe and aſſiſt therein, uppon long and ſerious debate, and in ſad contemplation of the great miſeries and certaine deſtruction which were ſoe neerely hovering over the whole countrey: Wee the ſaid Comiſſioners have thought fitt and condeſcended and granted to ſigne and confirme under our hands, ſeales, and by our oath, Articles bearinge date with theſe preſents, and do further declare that by the authorite of the parliament and commonwealth of England derived unto us theire comiſſioners, that according to the articles in generall wee have granted an act of indempnitie and oblivion to all the inhabitants of this coloney from all words, actions, or writings that have been ſpoken acted or writt againſt the parliament or commonwealth of England or any other perſon from the beginning of the world to this daye. And this wee have done that all the inhabitants of the collonie may live quietly and ſecurely under the commonwealth

of England. And wee do promiſe that the parliament and commonwealth of England ſhall confirme and make good all thoſe tranſactions of ours. Wittneſs our hands and ſeales this 12th of March 1651. Richard Bennet—Seale. Wm. Claiborne.—Seale. Edm. Curtis—Seale.

ORDER *of* MASSACHUSETTS *General Court about their North Line.*

[Maſſachuſetts Records.]

At a Generāl Court held at Boſton 26. May 1652.

CONCERNING the North Line of this Juriſdiction It was this Day * voted upon peruſal of our Charter, That the Extent of the Line is to be from the Northermoſt part of the River Merrimack and three Miles more north where it is to be found be it a hundred miles more or leſs from the Sea, and thence upon a ſtraight Line Eaſt and Weſt to each Sea.

COPY *of a Letter ſent by* EDWARD RAWSON *Secretary from the Court of the* MASSACHUSETTS *in Anſwer to a Letter ſent by* EDWARD GODFREY *Governor of the Province of* MAYNE *touching the* MASSACHUSETTS *Claime to the ſaid Province.*

[Province of Mayne Records.]

To the worſhipful his much reſpected Friend Edward Godfrey Eſqr *at* Acomenticus *theſe Preſent.*

SIR,

OUR General Court having by One Richard Leader received a Letter dated the laſt of May 1652 ſigned by yourſelf in the Name of the Province of Mayne and therein intimating your ill Reſentment of our Laying Claim and Title to the ſaid Province

* Margin " 31. 3 mo. 1652."

Province of Mayne without Leave from the Proprietors or from thoſe to whom it belongs which you ſay this Court intends to effect by their Patent or Line or Conſent or all of them &c. In anſwer whereunto with what elſe is in your Letter expreſſed I am required by our General Court to returne you this Anſwer That whereas you are pleaſed to write that in April 14th of his Majeſty's Reign both our Patents and divers others were then queſtioned at the Councill Table and Quære made of the Validity of any Patent but this of the Maſſachuſetts, and that many of our Inhabitants and ſome of our Agents then ſtood mutte but yourſelf anſwered the Objections in Clearinge the Ship ſtayed as other Things that conſerned the Good of this Country: We anſwer Firſt that our Patent only was then queſtioned and ſued by a Quo Warranto and ſent for Yet it hath pleaſed God ſo to order in his good Providence towards us that it proceeded not to Judgment but the Patent doth ſtill ſtand firm according to the Firſt Grant under the Great Seale And ſince the moſt honorable Comon Wealth of England hath owned us our Patent and Iuriſdiction Whereas the grand Patent of Plymouth as we are informed is called in, by a Quo Warranto in the Chief Court in Weſtminſter, and then all other Patents from and under them muſt needs fall, though Subduing of Lands Legal Poſſeſſions are ever to be allowed and confirmed, and if our Agents and as you writ ſome of our Inhabitants ſtood mute we believe they thought it their Wiſdom ſo to do; knowing that the then Counſell had not Legal Power to proceed againſt the Patent and therefore they needed not to ſpeake in it: but whereas your ſelf was pleaſed to anſwer Objections, we cannot but thankfully acknowledge your Kindneſs towards us: And whereas you writt that in our Anſwer the 6th. September Ditto we were then well ſatisfied to hould our owne: we ſay, we are ſo ſtill, as appears by what hereafter followeth is expreſſed. For whereas you ſeem to ſet out the Limits of our Patent 3 Miles Northeaſt of Merrimacke or Mounnacke River at the Side which then was knowne, and the River is of another Denomination upwards: In anſwer whereunto we ſay that if you had well peruſed the Words of our Patent, and the true ſenſe of them, we believe you would change your Mind: and that no Line is intended to be ſtretched by us, beyond the true Intent of the Patent granted to us, neither is it in our Thoughts to bereave you of any of your juſt Rights Immunities or Priviledges which you ſay you have ſo dearly bought: Furthermore, whereas you ſay if you were under our Juriſdiction, it hath been but little Charity that we ſhould take ſo little Care of your Regement or Religion, and therefore we muſt excuſe you if you be the more wary to preſerve your Rights &c. Our anſwer is that It was ſome Yeares after we came hither, before we knew the Extent of our Line the Date or Validity of other Patents contained therein or bordering thereupon as now we do and therefore were ſlow to do any Thing that might occaſion any Claſhing therein till all Doubts in that Reſpect were removed, as you cannot but obſerve

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in our Proceedings with thoſe of Piſchataqua, ſo in Regard of your ſelves, though we have been long ſatisfied, by thoſe whom we employed to run our Northerly Line, that the Place were you inhabit did fall within our Juriſdiction: Yet for as much as the People ſat down and governed by Virtue of a Patent and kept good Correſpondency with us and the People there ſo far as we know being well contented with the Government there eſtabliſhed, for theſe and ſome other Reaſons we contented our Selves, with a leſs formall Challenge of our Right and Proſecution of the ſame yet were we not wanting to aſſert our Right, as Occaſion was given. But underſtanding of late, that you had reſiſted the Patent which is now ſubmitted to us in Point of Iuriſdiction, and incroached further upon our Limits, and that a conſiderable Part of the People there are deſirous to come under our Government, we judge it hy Time now fully to claim our Right; and accordingly to take Order for the Government of the Inhabitants there And therefore Sir I am required to ſignifie unto you that our Court doth hereby challenge claim and demand our juſt Right with you, and over you reſpecting Juriſdiction, over your Perſons, and Lands not appropriated to any under the Colour of pretended Right, by Patent or Combination hitherto you have exerciſed; aſſuring you and every Inhabitant with you that every Perſon amongſt you ſhall equally ſhare in all acts of Favour and Juſtice which by Virtue of Government any of ours do enjoy or may expect: Nor ſhall any Perſon (We hope) have any juſt Cauſe to complain but if ſtill notwithſtanding what hath been and is clearly demonſtrated you ſhall not hearken to us nor comply in Submitting to us: Our Court doth hereby proteſt againſt any further of your Actings or Proceedings by Virtue of any pretended Patent, or Combination whatſoever; And tho' we are fully and clearly ſatisfied that the Extent of our Line runs ſo far from the Northerly Part of Merremack alias Monnomacke River as takes in not the Land only which you claim or pretend Juriſdiction over, but much further; yet for your Satisfaction if you deſire it we ſhall be willing that our Line ſhall again be ſtretched from 3 miles Northward to the Northermoſt Branch of Merremacke River, by a ſtraight Line from the Eaſt to the Weſt Sea; according to the words of our Patent: and this to be done by able Artiſts who ſhall upon Oath make a true Return thereof; and ſo you may be put out of Doubt of the Right of our Claim and Intereſt: And therefore we have for the preſent ſent our truſty and welbeloved Friends Capt. Will. Hawthorne Capt John Leverett and Mr. Hen: Bartholomew to impart our further Minds to you: and to receive your Anſwer or otherwiſe fully to make ſuch Accord with you, as may advance God's Glory, promote the Peace of us and your ſelves which is equally aimed at by, Sir

Your Loving Friends

EDWARD RAWSON, Secry.

By Order of the General Court.

PROVINCE

A COPY *of an Anſwer to the foregoing Letter of Mr.* RAWSONS, *by* ED. GODFREY *Governour for and in Behalfe of the* PROVINCE *of* MAYNE.

[Province of Maine Records.]

SIR,

I RECEIVED a Letter bearing Date 12: D. m. 4. 52: ſigned by yourſelf wherein we perceive you are owned by the State of England: under the Covert of whoſe Wings our Safety chiefly depends. For your Information of the Grand Patent of Plymouth ſued to Quo Warranto it no way toucheth us: The fall of other Patents thereby is but onely your conjecture, ſeeing that an act of Parliament November 28. 48 doth ſeem to evince the contrary: For our Peruſall of your Patent and your Line; we apprehend the Bounds thereof were ſet more than Twenty years laſt paſt, at the Sea Side and ſo up into the Country from the Sea 3 Miles on this Side Merrimacke as all other Patents were which are no leſs than Tenn in number, that we perceive by the Extenſion of your unknown Line you now willingly labour to engraſpe: For Subduing and Clearing Land a Poſſeſſion is good (true) But what Tract Immunities and Priviledges we have is doubtful if we part with them we may be ſhortened of; as well as ſo many years paſt you did not procure any for ſettling or procuring Patents; For our Limiting either a Treſpaſs upon you, our unadviſedly to gather a cracked Title to your Improvements and Poſſeſſions, I hope muſt be as in your Letter long ſince you counſelled us left to thoſe whom it concernes to determine.

If this 21 years you have been contented we ſhould govern by Virtue of a Patent with diſtinct acknowledgment of your lawful authority and have kept good correſpondency with us We much marvell, how you now ſhould be diſcontented, of which we neither have nor (we hope) ſhall give you any juſt occaſion for Reſiſting any Patent or encroaching upon your Juriſdiction, we utterly diſowne: For ſubmitting any Patent to you if you have Right thereto it needed not: For a conſiderable Party of the People we know of none (Two Perſons only excepted) whoſe ill Deportments have been ſuch as the hand of Juſtice hath borne Witneſs againſt as well among yourſelves, as us; and were the number of ſuch Perſons more conſiderable, it were little Honour for you to proceed upon ſuch an account: For your pretended Juriſdiction over our Perſons and Lands not appropriated as you ſay: they are appropriated to us and muſt not ſo eaſily be parted with: For Sharing your Favours to us: By your Favours, Gentlemen we are loath to part with our preti-

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ous Liberties for unknown and uncertain Favours. For Hearkening to ſubmitt to you and your Proteſt againſt us, for any further proceedings either by Patent or Combination. We reſolve to exerciſe our juſt Juriſdiction till it ſhall pleaſe the Parliament, the Common Weale of England, otherwiſe to Order under whoſe Power and Protection we are. For your ſtreight Line from the Eaſt Sea to the Weſt Sea, I marvell you go from your Bounds to the In Land. For Artiſts to meaſure your Extent, in occaſion if neceſſity require we ſhall underſtand a little Geogrify and Goſmogrify. For Peace and Equity we have ever aimed at and ſtill continewed and will to the utmoſt of our Power endeavour the Glory of God, the Peace and Good of the Country in General remaining.

Your Lo Friend.

EDW. GODFREY Governour.

Province of Mayne Piſca: Rivere Mouth July 9, 52.

MASSACHUSETTS *Commiſſioners Proteſt.*

[Maſſachuſetts Records.]

In the Townſhip of Kittery in the Province of Mayne over againſt the Great Harbour.

WHEREAS We William Hawthorne, John Leverett and Henry Bartholomew appointed Commiſſioners as may appear by Order from the General Court of the Maſſachuſetts bearing Date 11 June 1652 to repair and to treat with the Gentlemen of the Eaſtward in the Province of Mayne: According to which Order and Comiſſion we the abovenamed have repaired to and had ſome Conference with Mr. Edward Godfrey Richard Leader, Nicho. Shapleigh Thomas Withers and Edward Riſhworth who declare themſelves to be Perſons in preſent Power, for the Ordering and Managing of whatſoever might be of Concernment to the People of the ſaid Province tho' the ſaid Perſons produced no Comiſſion thereunto either one or other: We therefore the abovenamed William Hawthorne John Leverett and Hen: Bartholomew, do hereby declare unto the Inhabitants of the Province of Mayne and to all People whome theſe may concerne, that there doth not appear to us any Power or Right of Power that the ſaid Edward Godfrey Richard Leader Nic. Shapleigh Tho. Withers and Ed. Riſhworth hath of Regiment in the ſaid Province; but that the ſaid Provice of Mayne and all the Tract of Land within the

ſame

ſame doth lye within the Limits of the Patent of the Maſſachuſetts: and ſo by Grant and Charter under the Great Seale of England to be under the Iuriſdiction thereof. Further we do declare in the Name and on the Behalf of the Iuriſdiction of the Maſſachuſetts, that all the Inhabitants within the ſaid Province that ſhall ſubmit thereunto ſhall freely and quietly poſſeſs and enjoy all the Lands Goods and Chattells appertaining to and poſſeſſed by any or every of them and that the ſaid Inhabitants and every of them have Right) and ſhall æqually ſhare in all Acts of Favour and Juſtice which by Virtue of Government any One the Inhabitants within the ſaid Iuriſdiction do or may expect to enjoy.

Upon the Premiſſes recited, We the ſaid Comiſſioners of the General Court of the Maſſachuſetts do declare and and proteſt againſt any Perſon or Perſons within the ſaid Province his or their exerciſe of Iuriſdiction over the Inhabitants within the ſame, or any Part thereof after the 10th Day of October 1652) next enſuing the Date hereof without Order from the General Court, or Counſell of the Maſſachuſetts. In witneſs whereof we have hereunto put our Hands this 9. D. July 1652.

WILL. HAWTHORNE,
JOHN LEVERETT,
HEN: BARTHOLOMEW.

PROVINCE *of* MAIN'S *Anſwer to* MASSACHUSETTS *Proteſt.*

[Province of Maine Records.]

A Copy of the Anſwer and Return of this Paper or proteſt 9 July 52.

WHEREAS we Ed. Godfrey Governour Mr. Richard Leader, Mr. Shapleigh, Thomas Withers and Ed. Riſhworth Recorder ſworne Magiſtrates for this Province of Mayne, have received a Paper in the nature of a Proteſt from Capt. William Hawthorne, Capt. John Leverett and Mr. Hen. Bartholomew, intimating to us not to produce a Comiſſion one or other, To which we anſwer, that if either they or their Principals did or had ſhewed us any Comiſſion or Power of Comand from the Parliament of England or Counſell of State, we would readily have given them an account; And for their Words of Declaration to the Inhabitants of the Province in General, and all People; That our Power appears not and that we have noe Power of Regiment and that the Tract of Land and all this Pro-

vince of Mayne is within the Lymits of the Maſſachuſetts; yet the Truth doth and ſhall appear, that where their Bounds were ſet up more then 20 years paſſed, and both before and ſince many Patents granted for the Peopulating and propagating of the Land; 35000 hath been ſpent a lawful Juriſdiction hath been exerciſed in this Place by ſome of us acknowledged and owned by you of the Maſſachuſetts, approved and juſtified in England; and now for theſe Gentlemen to come with a Declaration minatory in the name only and Behalfe of the juriſdiction of the Maſſachuſetts, that the Inhabitants that ſhall ſubmit unto them ſhall freely and quietly poſſeſs and enjoy all the Lands, Goods, Chattalls, and that we ſhall enjoy equal Favours in Acts of Government: Theſe Propoſals are not in our judgments meet, the Time Places and Perſons conſidered we patiently bear them and ſubmit to be judged by thoſe whom we acknowledge to be our ſupream Judges; againſt Exerciſe of Juriſdiction: We reſolve and intend to go on, till lawful Power comand us the Contrary; as ſubordinate and depending upon the Comon Wealth of England given this 9 July 52. Ed. Godfrey Governor Rich. Leader, Nico. Shapleigh, Tho. Withers, Ed. Riſhworth Recorder.

EDWARD RIGBY's *Letter to the Inhabitants of* LACONIA

[Province of Maine Records.]

To Mr. Henry Jocleing, Mr. Robert Jordan, Mr. Arthur Macworth, Mr. Thomas Williams, as alſo To Robert Booth Morgan Howel John Wadleigh Jonas Balley Thomas Morris Hugh Moſeer and to all others whom theſe may concern theſe preſent in Legonia.

Gentlemen,

IT having pleaſed the great diſpoſer of all Things to call out of this troubleſome World my dear Father and by that means to entitle me to the Preſidentſhip of the Province of Lygonia and being made acquainted by my Fathers late Deputy Preſident of ſeveral miſcarriages and illegal Proceedings which have been acted and done within my Province by your Inſtigations and Advice I have thought neceſſary at this Time to acquaint you that I diſreliſh your actions, and ſhall not ſit down with the Wrongs and Abuſes offered to our Authority without a particular and real Submiſſion and to that End I do require and comand both your ſelves and the reſt that were by comiſſion from my Father, the publick Officers of the Province

Province to deſiſt acting any Thing Virtute officii (yours and your Commiſſioners being determined by my Fathers Death) until you hear further from me which I aſſure you ſhall be with all poſſible Speed, Truly Gentlemen I am ſorry to hear notwithſtanding my Fathers Indulgence towards moſt of your ſelves in Particular, you ſhould ſtill act ſo directly againſt him and his Intereſt as you do But I once again aſſure you, if upon the Receipt of this you do not deſiſt from your private and ſecret Combinations and practices and join unanimouſly with me, my Deputy and other Officers, for the Peace and Quiet of the Province I ſhall take ſuch Courſe as ſhall not only force a ſubmiſſion but alſo a Reparation for all your miſdeeds. I ſhall not at preſent numerate or particular your miſdeeds and illegal Proceedings, nor diſpute with you about them only obſerve this to you that I conceive all acts done either by the Deputy Preſident the 6 Aſſiſtants the Judges or any other Officers whatſoever which had Comiſſion from my Father, ſince my Fathers Death (which was in Auguſt 1650 are void by Reaſon their Comiſſion ended with his Death. I am not ignorant of ſome complaints formerly made to my Father by ſome of your ſelves and others and I deſire that you will be confident, that I ſhall ſtrive to do æqual Juſtice in all Things according to my Office and Duty and to the End that æqual Juſtice may be done to all men I ſhall with all convenient Speed not only ſend back Mr. Cleeve but a near Kinſman of my owne with Inſtructions and Comiſſions to ſuch as I ſhall conceive fitting, not doubting but that upon the Receipt hereof you will deſiſt from your former illegal Proceedings, and joyn with ſuch as I ſhall comiſſionate. The Reſt is the Reſpects of him that is your real Friend if your ſelves be not your owne Enemys

EDWARD RIGBY.

London 19 July 1652.

RETURN *of Survey of* MASSACHUSETTS *North Line.*

[Maſſachuſetts Records.]

CAPTAIN Simon Willard and Captain Edward Johnſon, a Committee appointed by the laſt General Court to procure Artiſts to joyn with them to find out the moſt northerly Part of Merrimack River reſpecting the Line of our Patent: Having procured Serjeant John Shearman of Watertown and Jonathan Ince Student of Harvard College as Artiſts to go along with them made their Return of what they had done, and found vizt. John Shearman and Jonathan Ince on their Oaths ſay that at Aquadahtan the Name of the Head of Merrimack where it iſſues

out of the Lake called Winnepuſeakit upon the firſt Day of Auguſt one thouſand ſix hundred fifty two we obſerved, and by Obſervation found that the Latitude of the Place was forty three Degrees forty Minutes and twelve Seconds, beſides thoſe Minutes which are to be allowed for the three Miles more north which runs into the Lake. In Witneſs whereof they have ſubſcribed their Names this nineteenth of October one thouſand ſix hundred fifty and two.

Jur. Cor. me John Endecott *Gubern.*

JOHN SHEARMAN,
JONATHAN INCE.

MASSACHUSETTS *Approbation of their Commiſſioners Conduct.*

[Maſſachuſetts Records.]

October 19. 1652.

OUR Commiſſioners preſenting what was done at Plimouth at the meeting of the Commiſſioners for the united Colonies; The Court doth hereby declare their Approbation and Juſtification of their Comiſſioners in judging their laſt meeting at Plymouth to be fruſtrate, and do expect Satisfaction from the Juriſdiction of Plymouth and Newhaven, and for the time to come cannot conſent that the ordinary meeting ſhould hold and the acts of the Comiſſioners be valid, except two Commiſſioners from each Colony, authoriſed as in the 6th Article do meet upon the Day appointed.

The Court ordered a Letter to be writ to the Governour of Plymouth requiring Satisfaction for an Affront put by one of their Comiſſioners on one of ours.

PRIVILEGES *of the Town of* KITTERY.

[Province of Maine Records.]

November 20. 1652.

WHEREAS the Town of Kittery hath acknowledged themſelves Subject to Government of the Maſſachuſetts in New England as by the Subſcription under their Hands doth appear: We the Comiſſioners of the General Court of the Maſſachuſetts, for the Settleing of Government amongſt them and the reſt within the Bounds of their Charter Northerly to the full and juſt Extent of our Line, have thought meet and actually do grant as followeth, viz.

1. That the whole Tract of Land beyond the River Piſchataqua Northwardly together with the Yle or Yles of Sholes within our ſaid Bounds is and ſhall be henceforth a County or Shire, called by the name of York Shire

2. That the People inhabiting there ſhall enjoy protection æqual Acts of Favour and Juſtice with the reſt of the People inhabiting on the South Side of the River of Piſchata: and within the Liberties of our whole Juriſdiction.

3. That Kittery ſhall be and remain a Townſhip and have and enjoy the Priviledges of a Town as others of this Juriſdiction have and do enjoy.

4. That they ſhall enjoy the ſame bounds that are clear betwixt Town and Town as hath been formerly granted when Comiſſioners of each bordering Town hath renewed and returned to our General Court their Survey.

5. That both each Town and every Inhabitant ſhall have and enjoy all their juſt Proprieties Titles and Intereſts in the Houſes and Lands which they do poſſeſs whether by the grant of the Town or of the Indians or of the former General Courts.

6. That the Town of Kittery by their Free Men, ſhall ſend one Deputy yearly to the Court of Election and it ſhall be in their Liberty to ſend to each Court Two Deputies if they think good.

7. That all the Preſent Inhabitants of Kittery, ſhall be free Men of the Countrie, and having taken the Oath of Freemen ſhall have Liberty to give their Votes for the Election of the Governor Aſſiſtants and other General Officers of the Countrie.

8. The County of York ſhall have County Courts within themſelves in the moſt comodious and fit Places, as Authority ſhall ſee meet to appoint.

9. That every Townſhip ſhall have Three Men appointed by the County Court, to end ſmall Cauſes as others of the Townſhips in this Juriſdiction hath, where no Magiſtrate or Comiſſioner reſideth.

10. That

10. That the Shire may or ſhall have three Aſſociates to aſſiſt ſuch Comiſſioners as the preſent Comiſſioners or the authority of the Maſſachuſetts ſhall ſend And ſuch Magiſtrates as ſhall voluntarily come unto them from Time to Time.

11. That the whole County of York ſhall not be drawn unto any ordinary General Trainings out of their own County without their Conſent.

12. That the Inhabitants of Kittery ſhall have alſo the ſame Priviledges that Dover had upon their Coming under the Government.

13. That all ſuch as have or ſhall ſubſcribe voluntarily as the reſt have done before the Ending of this Court ſhall have the Priviledge of Indempnity for Acts of Power Exerciſed by the former Gentlemen until the Proteſt, and for and in Reſpect of ſuch Criminal Matters as are Breaches of penal Laws within the whole Government. Provided alſo that* Countye hath Liberty to appeal in Reſpect of his Caſe† Provided always that Nothing in this our Grant, ſhall extend to determine the Infringing of any Perſon's Right (where Poſſeſſion is had) to any Land or Inheritance whether by Grant, by Patent or otherwiſe, but ſuch Titles ſhall be left free to be heard and determined by due courſe of Law. The Comiſſioners do intend at their better Leaſure to write alſo their Grounds and Proceedings to this Concluſion. Provided and it is hereby declared that nothing in this Grant ſhall extend to reſtrain any Civil Action or to revew former Civil Cauſes which Revews ſhall be brought to any of the Courts within one Year now enſuing.

14. And whereas there are certain Debts and Impoſts due to the Inhabitants of Kittery and Agamenticus and ſome debs which are due from them to Particular Perſons for public occaſions It is therefore ordered and agreed that Mr. Nicholas Shapleigh ſhall have Power forthwith to collect ſuch Sum or Sums of Money as are due to the aforeſaid Inhabitants and pay ſuch Debts as are juſtly due from them and give an account thereof within one Month to the Comiſſioners that ſhall be then in preſent being; And if it ſhall then appear that there is not ſufficient to diſcharge the People's Engagement it ſhall be ſupplied by Way of Rate acccording to the former Cuſtom.

Simon Bradſtreet, Bryan Pendleton, Thomas Wiggins, Samuel Symonds.

THE

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* Maſſachuſetts Records "*Abraham Cunly* hath Liberty," &c.
Ibid. "Wherein he was fined ten Pounds, Anno 51."

THE *Retourne of the Commiſſioners who vpon the Comiſſion graunted by the General Court bearinge date 28th of October* 1652 *viz.* Mr. Simon Bradſtreete, Mr. Samuell Symonds Capt. Thomas Wiggin and Mr. Brian Pendleton *In Order to their Comiſſion after they had beene at* Kittery *repaired to* Accomenticus *or* Gorgiana *And Sumoned the Inhabitants thereof to appeare before them.*

[Records Inf. Court York County.]

UPON the 22d. of November 1652 the Comiſſioners held their Court; and the Inhabitants appeared and after ſome tyme ſpent in debatements and many queſtions anſwered and obiections removed with full and Joynt Conſent acknowledged themſelves ſubiect to the Government of the Maſſachuſetts in New England onely Mr. Godfrey did forbeare vntil the Vote was paſſed by the reſt and then imediately he did by word and vote expreſſe his Conſent. Alſo the names of theſe that took the oath of freemen were

Francis Raine,
Tho. Crockett,
John Alcocke,
William Dixſon,
Richard Codagon,
George Parker,
Andrew Euered,
Robert Knight,
William Rogers,
Samuel Alcocke,
Peter Wyer,
Philip Adams,
Mr. Edwd. Godfrey,
Lewis,
Robert Edge,
Philip Hatch,
Joſeph Alcocke,

John Davis,
Nicholas Bond,
Edward Johnſon,
Hugh Gaile,
William Garnſey,
Richard Bancks,
Mary Topp: ackn. only,
Edward Wentom,
George Beanton,
Mr. William Hilton,
William Moore,
Henry Donell,
Edward Stiet,
Rowland Yonge,
John Parker,
Arthur Bragdon,
William Ellingham,

John Tuiſdale, ſenior,
Tho. Curtoones,
Silveſter Stover,
Tho. Dennell,
Edward Ruſhworth,
John Harker,
Nicho. Davis,
Sampſon Angier,
Henry Norton,
Robert Hetherſe,
William Freathe,
John Davis,
John Tuiſdale, Junior,
Mr. Abraham Preble,
Mr. John Gouge,
Mr. Tho. Wheelewright.

PRIVILEGES

PRIVILEGES *of the Town of* AGAMENTICUS.

[Province of Maine Records.]

AT a Court holden at a Place called Agamenticus or Gorgeana 22 November 1652 by the Comiſſioners of the Generall Court of the Maſſachuſetts. The Inhabitants aforeſaid having joyntly acknowledged themſelves ſubject to the Gouernment of the Maſſachuſetts in New England we the aforeſaid Comiſſioners have granted unto the ſaid town

1. All the Liberties and Priviledges above ſpecified and granted unto the Inhabitants of Kittery.

2. Further we do conſent that the town now called Agamenticus ſhall be henceforward called Yorke.

3. That One Court ſhall be keept Yearely in the ſaid Town, by ſuch Magiſtrate or Magiſtrates and other Comiſſioners as the General Court of the Maſſachuſetts ſhall from Time to Time appoint, and for the Preſent by ſuch Comiſſioners as ſhall be authorized by the aforeſaid Commiſſioners of the Maſſachuſetts, which Court ſhall have the ſame Power for Trial of Cauſes Civil or Criminal ariſing in the County of Yorke, as other County Courts have in the Maſſachuſetts Juriſdiction.

4. That ſuch of the preſent Inhabitants as ſhall take the Oath of Freedom ſhall be thenceforth capable of giving their Votes for the Choice of Governor, Aſſiſtants, and other General Officers and of being choſen to any of the aforeſaid Places of Honour and Truſt.

5. It is farther agreed that the Inhabitants of York and Kittery, ſhall ſet out their Bounds betwixt them and the Inhabitants of Wells and York ſhall ſet out their Bounds betwixt them within one Year next enſuing otherwiſe it ſhall be done by Comiſſioners appointed by the General Court, and the Head Line of York bounds into the Country ſhall be upon a ſtreight Line by the South Eaſt Side of a certain Pond about 2 Miles into the Country, beyond the Northerly Branch of a certain Marſh now improved by ſome of the Inhabitants of York, and ſo the Diviſion Lines betwixt the Towns beforementioned and if it ſo fall out that any Part of the Marſhes now reputed to belong to Yorke and improved by the Inhabitants thereof ſhall fall within Kittery Bounds, yet the Propriety of the ſaid Marſh ſhall belong to the Inhabitants of York to whom it is granted, and if any of the Lands or Marſhes now reputed to belong to Kittery and improved by any of the Inhabitants thereof, ſhall fall

within the Bounds of Yorke yet the Propriety of the ſaid Land or Marſh ſhall belong to ſuch of the Inhabitants of York or Kittery to whom it is granted.

SIMON BRADSTREETE,
SAMUEL SYMONDS,
THOMAS WIGGINE,
BRYAN PENDLETON.

☞ With the Conſent of the Inhabitants the Commiſſioners on the 23. Nov. 1652. appointed Edward Godfrey, Abraham Preble, Edward Johnſon and Edward Riſhworth Commiſſioners, to whom, with one Aſſiſtant of the Government of the Maſſachuſetts, they gave power to keep one County Court yearly at Yorke,—and to any three of them, aſſembling between the County Courts, to hear and determine (without a Jury) in the ſaid Town any Cauſe not exceeding Ten Pounds. Either of the Commiſſioners might examine and commit Offenders,—adminiſter oaths,—bind to the Peace, or good Behaviour,—ſolemnize Marriage, and admit Freemen —Any two Commiſſioners were authorized to grant or renew Licences for Ordinaries, and to appoint military Officers under the degree of a Captain : and the County Court had the appointment of a Shire Treaſurer.

N. B. Wells, Saco, and Cape Porpus alſo ſubmitted to Maſſachuſetts Bay.

ORDER *for a Meeting at* PLYMOTH.

[Plymouth Records.]

March 1. 1652.

WHEREAS we have Intelligence out of our native Countrey of danger that may be towards us in Regard of the great variances betwixt the two nations of Holland and England ; the court hath ordered that Warrants bee directed to every Towne within the Government forthwith to require them, to make choiſe of two deputies for each towne to meet with the Magiſtrates at Plymouth on Wenſday the ſixth of April next and with them to treat and conclude on ſuch milletary affaires as through Gods bleſſing may probably tend to our preſent and future ſafety.

THE *Names of thoſe that mett at* PLYMOUTH *as Deputies for the ſeveral Townes for the Ends abovementioned.*

[Plymouth Colony Records.]

April 6. 1653.

For Plymouth	Leiftenant Southworth John Cooke	Barnſtable	Leiftenant Fuller Sergiant Hinckley
Duxburrow	Conſtant Southworth Leiftenant Naſh	Marſhfield	Mr. Joſias Winſlow Mr. John Bradford
Scittuate	Captain Cudworth Sergiant Johnſon	Rehoboth	John Allen Peeter Hunt
Sandwidge	James Skiffe	Eaſtham	Mr. John Done Richard Sparrow
Taunton	Enſign Purchaſe		
Yarmouth	Sergiant Rider John Gorum		

The milletary orders agreed on and concluded are as followeth

Firſt That the ſume of Fifty pounds bee Raiſed of the ſeverall Townes within the goverment according to theire proportions in other Rates in ſuch pay as will anſware for our partes of the powder and ſhott armes and lockes ſent out of England to bee Reddy againſt ſuch time as we ſhalbe required to anſware for yt And that the ſaid powder and ſhott &c bee Received and kept for the preſent att capt. Willetts and Mr. Paddyes Warehouſe att Boſton.

The Court have ordered that noe perſon within this Gouerment ſhall tranſport any proviſions or ſuffer any to bee tranſported to either Dutch French or other ſtrangers without Lycence from the Gouernor or two or three of the aſſiſtants, on paine of forfeiting twiſe the vallue of the worth therof.

That the Milletary officers of every Companie ſhall preſent the defects of the armes of theire companies at the next court of aſſiſtants.

That a Milletary watch in every towne be continued vntell further order to the contrary.

That all men though above the age of ſixty, bee Required either by finding a ſufficient man, or in theire owne perſons to watch according to order as ſhallbe agreed vpon in each towne excepting ſuch as through both age and poverty are diſabled, and that ſuch widdows as have eſtates beare theire parte by finding one to watch according to theire proportions.

The Court Recommend to every Towne to provide ſom place or places to Retreat vnto that thether they may bring theire wives and children in time of eminent danger for theire better ſecuritie.

That

That every Towne that ſhalbee defective in the want of a Drumm at any time for the ſpace of two monthes ſhall forfeite the ſumme of forty ſhilings to the collonies vſe.

That ſhalbe defective in coullers the ſpace of ſix months foure pounds.

That a conſiderable companie of half pikes bee provided in every towne att the charge of the Townſhipp videlecet wher 80 men are able to beare armes theire twenty to be provided and ſoe proportionable to theire number bee they greater or leſſer.

That every towne provide hallberts for the ſergiants of theire milletary companie.

That every towne that hath above fifty men bearing armes ſhall have powder anſwarable to a barrell for every fifty men and ſo bullets proportionable thereunto.

That noe man make an allarum without apparent danger.

That in caſe one gun bee ſhott of in the night whiles the milletary watch is kept within any townesſhipp yt ſhalbe taken as an allarum to the ſaid towne and anſwared by any man that ſhall heare the ſame.

That three guns or continued ſhooting or the beat of a Drumm in the Night ſhalbee an allarum to bee taken from towne to towne.

That in caſe any towne ſhalbe deſtreſſed by Reall aſſault vpon them ſuch Towne as have a certaine Intelligence therof ſhall affoard Reliefe.

That all ſuch as are choſen Clarke of any milletary companie ſhalbe ſworne and any that ſhall refuſe to ſerve as clarke for one yeare to bee fined twenty ſhillings and he that is next choſen and ſerves to have the ſaid ſumme.

That one third of every milletary companie ſhall bring their armes with powder and ſhott to the meetings on the Lord's Day both forenoone and afternoone on paine of forfeiting for every one that ſhall neglect two ſhillings and ſix pence for every default and ſuch fines to belong to theire companie and this order to ſtand in force, vntell further order to the contrary.

APPOINTMENT *of a Council of War.*

[Plymouth Records.]

IN Regard of the many appearances of danger towards the countrey by enimies and the great neſſeſſitie of counſell and adviſe in that Reſpect the court thought yt meet to make choiſe of a counſell of warr; which accordingly were forthwith orderly elected. Theire names are as followeth

Mr. BRADFORD, Preſident,

Mr. Prence,	Mr. Browne,	Capt. Cudworth,
Capt. Standiſh,	Mr. Alden,	Leift. Southworth.
Mr. Hatherly,	Capt. Willet	

Theſe nine or any three of them being orderly called together theire acte to bee accounted in force and they to be continued in theire places vntell the next Iune court com twelvemonth ; To bee orderly called is ment being ſummoned by the Preſident or his Deputie, or in caſe of theire abſence any two Magiſtrates of the counſell of warr.

That the counſell of warr ſhall have full power to yſſue out warrants to preſſe ſuch a number of men in every towne as by proportion the ſaid Towne is to ſet forth; and alſoe to yſſue forth warrants to the ſaid Townes for armes and proviſſion and all things neceſſary for them ; and what charges ſhall ariſe to be Levied on each towne proportionably as other publicke Rates and to give comiſſion to any cheife officer vnder theire charges either in time of peace or warr.

If by any ordering hand of God's providence ſuch as are choſen Comiſſioners are hindered that they cannot appear att the Day appointed vntell a day or two after ; The Court declare theire minds to bee, that notwithſtanding they may acte and theire actes in ſuch caſe to be accounted valled and of force.

In caſe both the Commiſſioners bee preſent at the next meeting att Boſton and doe not both ſitt then the Courts mind is that neither of them ſhall acte.

MEETING *of the Council of War.*

[Plymouth Records.]

THE counſell of War met at Plymouth on the 12th of May 1653 videlecett Mr. Thomas Prence preſedent ; capt. Myles Standiſh Mr. Timothy Hatherley Mr. John Alden capt. Thomas Willet capt. James Cudworth; and Leiſtenant Thomas Southworth.

Haveing Received Intelligence from the comiſſioners mett at Boſton of their agitations about and conſerning a warr with the Duch in theſe partes of America, and ſerivſly weyinge and delibberating vpon ſuch grounds and Reaſons with theire cercomſtances as by the ſaid Comiſſioners have been propounded enduceing thereunto ; They came to theſe concluſions following,

Videlecett

Videlecett that whatſoever ſhallbee vndertaken or donn in aboute or conſerning the ſaid warr or any thinge conduceing thereunto ſhallbe acted and goe forth in the name and by the authoritie of the State of England. Secondly That in caſe theire ſhallbee a concurrance of the other Juriſdictions with vs herein viz. all things acted in and aboute the premiſſes, ſhallbee acted vnder God in the name of the State of England as aforeſaid; And that vpon Returne of the meſſengers ſent by the comiſſioners to the Munhatoes or other certaine Intelligence further grounds and Reaſons ſhall appear to bee of weight neſſeſitateing a warr with the ſaid Dutch; They will bee in Reddines through the healp of God to aſſiſt and engage therein according to theire proportions and vtmoſt abillities

And for that end and purpoſe preparacon was made as followeth Warrants were Iſſued out in the name of the State of England for the preſſing of the number of ſixty men able and fitt for warr if need ſhall require which number was to be taken out of the ſeveral townes within this Juriſdiction according to their proportions, viz.

out of Plymouth	7	Yarmouth	6
Duxburrow	6	Barnſtable	6
Scittuate	9	Marſhfeild	6
Sandwidge	6	Rehoboth	6
Taunton	5	Eaſtham	3

The Conſtables of the ſeveral Townes were ordered by the warrants directed vnto them to have theſe proportions of men in a reddineſs and to give notice vnto theire ſeverall townes to provide ſufficient armes for every man that ſhalbee preſſed out of their ſeverall townes as aforeſaid.

The Commanders choſen and appointed to goe forth on the ſaid expedition in caſe there ſhallbee occation are capt. Myles Standiſh for captaine; Leiftenant Thomas Southworth for Leiftenant and Hezekiah Hoare of Taunton for Enſigne.

An order was alſoe paſſed in the name of the State of England for to prohibite the tranſporting of any proviſions out of the Juriſdiction; either corn, biſkett beefe porke cheeſe butter &c without Licence from two magiſttates on paine of forfeiting the whole the one halfe to the informer and the other halfe to the collonies vſe and this order to ſtand in force vntell further order to the contrary.

Moreover two Barkyes were alſoe preſſed to attend the expedition aforeſaid, videlecett, the Barkye in which Gorge Watſon ſayleth together with him the Mr. Therof and John Smith Junior of Plym: and Joſeph Green with all things belonging to the ſaid Barkye neſeſſearie for the ſaid expedition.

In like manner the Barkye in which Richard Knowles ſayleth with him the maſter therof was preſſed for the ſame purpoſe with John Younge and William Walker and all things neſeſſearie for their vſe belonging to the ſaid Barkye.

Memorand,

Memorand, That a query bee made vnto the next court whether ſuch perſons as are preſſed to goe forth as ſouldiers on publicke ſervice &c their eſtates ſhallbee Lyable to be Rated notwithſtanding towards the paiment of their wages or not.

COPY *of a Letter from Mr* ARNOLD *to the Court at* MASSACHUSETTS.

[Hutchinſon's Original Papers.]

Pautuxit this 5th of September 1653.

THESE are to ſignify unto the much honored court that we underſtand how Gorton and his confederates are intended to ſend greate matters to Generall Cromwell or to other ſtate of England againſt the ſtate of Maſſachuſit about a letter that came into theſe parts from Maſſachuſit having four or five of the magiſtrates hands unto it, concerning the French ſhipe that was taken by the deceite of Capt. Hull in which letter as wee heare are ſeven reaſons nominated to ſhew that it was not a lawfull prize, and in one of the reaſons is mentioned the diſſolving of the parliament out of which reaſon, eſpecially, Gorton takes greate hold to lay a ſtrong accuſation againſt the ſtate of Maſſachuſits. And we further heare that they doe intend to write what conſtruction they doe gather from it and withall they mind to ſend it with the ſaid letters, having the magiſtrates own hands to it the which they thinke will be a ſure teſtimony againſt the magiſtrates, &c. Now as ſoone as I heard of it, I thought it to be my dutie with all expedition to write intelligence to the much honoured court, I not knowing what miſchiefe they may doe in ſuch a caſe as they doe much boaſt of, that the court might have notice of theire evill-purpoſe before hand that, if it may ſo pleaſe the Almighty, by his good providence and your wiſe conſideration and vigilant care, the evill plot of your adverſaries may be prevented, &c. I reſt your humble ſervant,

to be commanded,

WILLIAM ARNOLD.

I humblie deſire that I may heare whether this letter doe come ſafe to the court, if not I may in ſhort time write againe, &c.

PROCEEDINGS *of the General Court relative to the Confederation of the* COLONIES, *and the Appointment of* THOMAS PRENCE *Commiſſioner to ſettle Government at* KENNEBECK.

[Plymouth Records.]

ATT the generall Court holden at New Plymouth the ſeventh of March 1653 before William Bradford gentleman Governor Thomas Prence Myles Standiſh Timothy Hatherley John Browne John Alden and Thomas Willett gentlemen Aſſiſtants, &c.

The deputies of each Towne appeering according to the Summons directed to each Towne for that purpoſe; The occaſion for ſending for them was declared, viz. That whereas a Letter hath been ſom time ſence Received from the generall court of the Maſſachuſetts concerning the Confeaderacon of the vnited Collonies whereunto an anſware was Required to bee made accordingly the court framed an anſware and ordered that in theire name it ſhould bee ſent with the firſt convenicency.

2. That wheras ſundry have Intrenched vpon the Liberties of the trad belonging to vs att Kennebeck; and whereas alſo Letters Patents have been granted and ſent over from the honorable Court of Parliament and Counſell of State thereby giving and graunting vnto this Juriſdiction the aforeſaid Liberties of Trad in the aforeſaid River with enlargement as alſoe Requiring that ſuch due courſe ſhould bee taken as that the Engliſh Reſiding in the ſaid River ſhould bee orderly governed and carried on in a way of peace for their comon good in civill concernments The Court taking the premiſſes into due and ſerius conſideracon did conſtitute, authoriſe and comiſſionate Mr. Thomas Prence one of the honoured magiſtrates of this Juriſdiction with full and ample power to ſummons all and every the Inhabitants as he ſhall ſee meet dwelling within the aforeſaid River of Kennebeck vnto ſome convenient place to receive from him ſuch Inſtructions and orders extant which he hath Received from the aforeſaid generall court full power to require their obſervance of with full power alſoe to aſſume vnto himſelfe any other perſon or perſons whatſoever to bee aſſiſtant vnto him in the premiſſes.

INSTRUCTIONS

INSTRUCTIONS *from the General Court to* THOMAS PRENCE, *Esq Comissionated for the erecting some orderly Goverment amongst the Inhabitants of the River of* KENNEBECKE.

[Plymouth Records.]

1. THAT vpon theire appeerance att his summons hee tender and Require them to take the oath of fidelitie for the State of England and this present Goverment of New Plymouth;

2. That hee acquaint them with the body of lawes of this goverment, our Intention being not to expect theire strict obserueance of every thing peculiare to our selves but considering the distance of the place wee doe allow them libertie to make choise of such to bee assistant to our Comissioner as he shall approve of for the making of such further orders as may best conduce to theire welfare.

3. That none bee allowed for Inhabitants theire but such as will take the oath of fidelitie as abovesaid.

4. That such persons onely as have taken the said oath of fidelitie shall acte in the choise of such as may bee assistant to our Comissioner as aforesaid in making and executing such orders as may bee thought fitt to bee established amongst them; and the said Assistants to acte as if they were actually freemen for the present vntell further order bee taken.

The oath to bee taken of all such Inhabitants as shalbee allowed to reside in the liberties of this Government att the River of Kennebecke is as followeth.

You shalbe true and faithfull to the State of England as it is now established and whereas you choose att present to Reside within the Goverment of New Plymouth you shall not doe or cause to bee done any acte or actes directly or indirectly by land or water that shall or may tend to the destruction or overthrow of the whole or parte of this goverment that shalbee orderly erected or established; but shall contrary wise hinder oppose and descover such entents and purposes as tend thereunto to those that are in place for the time being that the Goverment may bee enformed therof with all convenient speed; you shall also submitt and observe all such good and wholesome lawes ordinance and officers as are or shalbee established within the several Limitts therof; soe help you God whoe is the God of truth and punisher of falshood.

GOVERNMENT *Eſtabliſhed at* KENNEBECK.

[Plymouth Records.]

WHEREAS itt hath pleaſed the Right honorable the counſell of State of the common Wealth of England notwithſtanding their many great and weighty occaſions to take into conſideracon the condition of the Engliſh inhabiting vpon or neare adjoyning vnto the River commonly called Kenibeck whoe by Reaſon of Remoteneſs from other Juriſdictions and theire owne pawcitie and fewnes have not hetherto enjoyed the benifit of Gouerment noe doubt to the great greife of all well affected Engliſh It hath now pleaſed the Right honorable Counſell of State by authoretie of Parliament to confer the Gouerment of the aforeſaid Inhabitants vpon the Juriſdiction of New Plymouth the firſt Inhabitants and Gouerment in thoſe partes as by their Letters Pattents doth appeer.

In purſuance wherof and by vertue of the aforeſaid authoritie graunted to Willam Bradford and his Aſſociates the ſaid Willam Bradford and his aſſociates att a generall Court held at New Plymouth gave full power and authoritie to Mr Thomas Prence one of the aſſiſtants in the aforeſaid Gouerment for the ſettling of a Gouerment vpon the ſaid River Kennebecke by vertue whereof the ſaid Thomas Prence Iſſued out a warrant directed to the Marſhall of New Plymouth bearing date the 15th of May 1654 requiring the Inhabitants vpon the ſaid River to make theire perſonall appeerance at the Houſe of Thomas Aſhley att Merry Meeting vpon the 23d of that preſent month att which time and place the People Generally aſſembled and after publiſhing of the aforeſaid authoritie the Inhabitants here vnder written have taken the oath of fidelitie viz.

Thomas Purchaſe gentn.	Thomas Parker	Thomas Atkins
John Stone	John White	James Coale
Thomas Aſhley	John Browne	John Parker
John Richards	Willam Davis	Emanuel Hughes
James Smith	Thomas Weber	Alexander Thawyt
Willam James.		

Orders made and agreed vpon at the ſame Meetinge.

1. That all Capitall Crimes and trialls vpon life and death bee Refered to the Generall Court att Plymouth.

1. Treaſon againſt the Commonwealth of England or theſe Colonies.
2. Willfull murther.

3. Sollem Converſing or compacting with the Divil by way of Conjuracon or the like.

4. Villfull or purpoſed burning of Houſes.

5. Sodomy Rapes and Buggery.

6. That adultery be tried att Plymouth.

7. That Theft bee puniſhed by Reſtitution of three or 4 fold according to the nature of the offence and according to the diſcretion of the aſſiſtants.

8. That if any perſon or perſons drinke themſelves drunke for the firſt default 5ſ for the 2cond 10ſ and the 3d time bee ſett in the ſtocks.

9. Wilfull Prophaning of the Lords day to be puniſhed according to the diſcretion of the aſſiſtants.

10. Whereas there hath been great abuſes in trading wine and other ſtrong Liquors with the Indians wherby they drinke themſelves drunke, and in theire drunkenneſs comitt much horrid wickedneſs as murthering theire neareſt Relations &c as by ſadd and woefull experience is made manifeſt, It is therefore ordered that noe perſon or perſons whatſoever from this time Trad any ſtrong Liquors directly or indirectly to the Indians within this Juriſdiction vpon the forfeiture of the dubble vallue of goods ſoe traded for theire firſt default and fourfould for theire 2cond default in that kind and for the third default if an Inhabitant to loſe the priviledge of tradinge with the Indians for the future; and for any ſtranger that ſhall come to trade or comerce with the Engliſh or any other that have not taken the oath of fidelitie to the commonwealth of England and this preſent Gouerment and yett Reſide within the Limits of this Juriſdiction or any parte therof for the Preſent, for theire firſt default in that kind to forfeite the ſumme of ten pounds ſterling to be Levied vpon theire goods or eſtate that ſhallbee found within this Juriſdiction or any parte therof and for the 2cond default 20lb. ſterling to bee levied as aforeſaid; The one halfe of all ſuch penalties to be deſpoſed of to the perſons enforming and the other halfe to the publicke vſes.

11. That fiſhing and fowling bee free to all the Inhabitants as formerly.

12. That if any Indian or Indians bring beauor or mooſe to any of the Inhabitants of this River, within theire owne limits they may trad freely with them as formerly provided it bee not for ſuch things as are prohibited.

13. That there bee no action tried att this court exceeding 20lb. ſterling vnleſſe by the conſent of both parties and in caſe any greater action doe ariſe, then the caſe to be tryed att the generall court att Plymouth.

14. It is agreed that the next court is to be holden the 3d day of the weeke following the 20th of may next att the houſe of Thomas Aſhley.

15. That all actions betwixt partie and partie bee tryed by the verdict of 12 men.

PERMISSON

PERMISSION *to the* PROTECTOR'S *Commiſſioners to raiſe Men in* MASSACHUSETTS.

[Maſſachuſetts Records.]

At a General Court holden at Boſton 9th. of June 1654 *being called by the Governour.*

THE General Court having received and peruſed a Letter from his Highneſs the Lord Protector of the Commonwealth of England, Scotland and Ireland full of great and favourable Reſpect to this Colony which they deſire to keep in grateful Remembrance and ſhall be ready at all times wherein they may with Safety to the Liberty of their Conſciences publick Peace and Welfare to their utmoſt attend his Highneſs's Pleaſure. This Court therefore declares that though they underſtand that this Colony is not in ſuch a Capacity as may be apprehended to ſend forth ſuch numbers of Men as might vigorouſly aſſiſt in that Undertaking yet do freely conſent and give Liberty to his Highneſs's Comiſſioners Major Robert Sedgwick and Capt. Iohn Leveret to raiſe within our Juriſdiction the Number of 500 Volunteers furniſhed with all neceſſary Accommodations to aſſiſt them in their Enterprize againſt the Dutch; provided the Perſons be free from legal Engagements.

PROCEEDINGS *of the Council of War at* PLYMOUTH.

[Plymouth Records.]

THE Counſell of warr mett att Plymouth the 20th of June 1654 att which meeting warrants were Iſſued out in the name of his highneſs the Lord Protector of England, Ireland and Scotland for the preſſing of the number of fifty men to bee taken out of the ſeverall townes within this Iuriſdiction to goe forth with Major Robert Sedgwick and Capt. John Leveritt on an Intended expedition againſt the Duch at the Monhatoes the proportions of each towne are as followeth

Plymouth	6 Men	Yarmouth	4 Men
Duxburrow	6	Barnſtable	5
Scittuate	8	Marſhfield	5
Sandwich	4	Rehoboth	4
Taunton	5	Eaſtham	3

Theſe

Theſe being well provided for were to goe forth vnder the comand of Captaine Myles Standiſh whoe was ordered to bee theire comander in cheife Leiftenant Mathew Fuller was ordered to goe forth with him as Leiftenent on this expedition and Hezekiah Hoare was appointed to bee Enſigne bearer.

The Comiſſion given to Captaine Standiſh is as followeth : Whereas wee are Required by his highnes the Lord Protector of Engiand Ireland and Scotland to afford Aſſiſtance vnto that Deſigne of Reduceſing the Duch to Obedience vnto the State of England ; In order thervnto wee haveing raiſed ſome forces over which wee doe conſtitute our welbeloved Friend Capt. Myles Standiſh theire Leader and Comaunder in Cheife ; of whoſe approved fidelitie and abilitie wee have had long Experience vnto whoſe wiſdome and diſcretion wee doe committ the leading and ordering of theſe our men, and vnto whome wee doe require our men to yeild all due Obedience as vnto theire Comaunder ; and that hee bee reddy vpon the 28th. of this preſent Iune att Plymouth to receive ſuch men as ſhalbee theire comitted to him and vpon the 29th. Day to march them vnto Sandwich and theire further to receive thoſe that ſhalbee brought from thoſe four plantations vnto him ; And from thence to march his Men to Mannomett and there to ſhipp them aboard the Barke called the Adventer ; and ſoe taking the firſt opportunitie of wind and weather of ſayling to the Monhatoes or ſuch place of Rendevoos as ſhall bee appointed there to meet with Major Robert Sedgwicke and Capt. John Leverett the Comiſſioners in cheife appointed by his highneſs the Lord Protector for the deſigne and there to joyne with them for the carrying on of the ſaid deſigne according to ſuch direction as ſhalbee given him from time to time by the Comiſſioners in Cheife and counſell of Warr.

Plymouth June the 20th. 1654.

Given vnder our hands and the common Seale of our Gouerment

WILLIAM BRADFORD, Preſident.

JOHN ALDEN, THOMAS PRENCE,
THOMAS WILLET, WILLIAM COLLYARE,
JAMES CUDWORTH, TIMOTHY HATHERLEY,
JOHN WINSLOW,

Captaine Thomas Willet was ordered ſpeedily to Repaire vnto the Comiſſioners in cheife, whoe were att preſent att the Maſſachuſetts, to accompanie them vnto the Monhatoes and to bee aſſiſtant vnto them in adviſe and counſell, Whoſe Comiſſion is as followeth

Whereas in Obedience to his highneſs the Lord Protector we are willing to concurr according to our weake abillitie in the deſigne againſt the Duch att the Monhatoes ;

hatoes ; in Reference vnto the Nationall quarell ; And being desired that wee should send some for to counsell and advise with those who are authorised in cheife by his highnes the Lord Protector for the carying on of that Designe accordingly wee have appointed and authorised our trusty and welbeloved Frind capt. Thomas Willett to goe along with them and to aford his best help therin for the furthering of the designe, as alsoe our trusty and welbeloved Frind capt. Myles Standish when hee shall meet with them as Opportunity shall present and occasion shall require, Given vnder hands and Common seale of Goverment

WILLIAM BRADFORD, President,

Plymouth, June 20th. 1654.

John Alden,
James Cudworth,
John Winslow,
Thomas Prence,
William Collyare,
Timothy Hatherley.

The Instructions for our Welbeloved Frinds Capt. Myles Standish and Capt. Thomas Willett are as followeth.

1. That Wee onely Joyne in this busines with Respect vnto the Nationall quarrell,

2. To attend onely the Comission that hath been seen ; And if any thinge bee vrged beside It to decline and wave it.

3. If any proposition bee made, or way proposed to make Restitution to the other collonies for theire charges ; we also looke for and expect the like.

4. That if our men want any thing that you would Improve youer enterest in that behalfe to make a supply and wee shall see the countrey make you due satisfaction.

5. That you take all occations and oppertunities of conveying Intelligence vnto us.

6. That the designe being accomplished you endeavor to Returne our men with what convenient expedition may.

7. Other things of like nature which may fall in which wee think not of we leave to your descretion.

Ordered by the Counsell of Warr

That if any to avoyd the present presse shall depart out of theire owne Towne to another that then the cunstable of that towne is Required to presse them notwithstanding, and such to goe vpon account of theire owne towne and to be sent forthwith to the Cunstable therof.

The Barkque in which Samuell Mayo sayleth was pressed to attend said service for the Transportation of the souldiers.

And in like manner the Boate of Iames Cole of Plymouth with seamen to goe in them on the said busines.

Vpon the 23d of Iune 1654 happy tidings came of a long desired peace betwixt the

the two nations of England and Holland by which all the aforſaid Intenſions and preparations ceaſed from being Imployed and Improved vnto the carrying on of the aforſaid enterprize.

PROCEEDINGS of PLYMOUTH *General Court about the Confederation.*

[Plymouth Records.]

ATT a Generall Court holden vpon extraordinary occation att Plymouth the firſt of Auguſt 1654 before Willam Bradford gentleman Governor Willam Collyare Myles Standiſh Timothy Hatherley and John Alden gentlemen Aſſiſtants.

The deputies of each Towne appeered according to the ſummons ſent for them the occation wherof was conſerning the Confederation of the vnited Collonies: vpon agitation about ſundry particulars conſerning the ſame the Reſult was, to ſend Comiſſioners as formerly and for that end Inſtructions were prepared for them to make uſe of at the time and place of meeting which was att Conecticott the firſt Thurſday in September 1654.

Inſtructions from the Generall Court holden at Plymouth Auguſt the firſt 1654 for theire Comiſſioners

1. That they conſider with the other Comiſſioners for ſome due Reparation of the breach of any articles of the Confederacon that may appeer broken as in ſuch caſe is prouided in the eleventh article or as may bee thought fitt.

2. That ſuch a favorable conſtruction or explanation bee made of the ſixt article that an offenſive warr bee not vndertaken without the conſent of the Generall Courts yf it may be.

3. That it be conſidered for a conſtant place of meeting of the comiſſioners either at Boſton or Rehoboth; the charges theratt to bee borne by the whole equally.

WILLAM BRADFORD

WILLAM COLLYARE

JOHN ALDEN.

MASSACHUSETTS *General Court's Approbation of the Proceedings of the Commiſſioners for the* UNITED COLONIES.

[Maſſachuſetts Records.]

THE Court having peruſed and ſeriouſly conſidered the agreement of their Comiſſioners at their laſt meeting at Hartford as to the ending of all former differences and offences betwixt this Government and the reſt of their Confederates do approve therof and conſent thereto profeſſing their Reſolution to act accordingly and therefore do order that Letters be ſent to the other three Generall Courts to certifie the ſame.

RETURN *of Survey of* MASSACHUSETTS *North Line.*

[Maſſachuſetts Records.]

18th *October* 1654.

MR. JONAS CLARKE and Mr. Samuel Andrews both well ſkilled in the mathematicks having had the Command of Ships upon ſeverall voyages being appointed to take an obſervation at the northerly Bounds of our Patent upon the Sea Coaſt made this return as followeth.—Our Obſervation taken the 13th day of October 1653. The Place of our laſt obſervation the altitude of the Sun was according to obſervation and our beſt judgment thirty four degrees thirty four minits The Declination of the Sun was according to Calculation in England eleven Degrees thirty nine minits the Difference of Longitude betwixt this Place and England according to our beſt Judgment is ſixty three Degrees which in Time makes four hours and one fiftieth Part of an hour which adds to our declination three minits and 40 ſeconds, all which Altitude, Declination and meridional Difference being added together doth make forty ſix Degrees ſixteen Minits forty Seconds which being ſubſtracted from ninety Degrees gave us to bethen in north Latitude forty three Degrees forty three Minits twenty Seconds which was eight Seconds to the Northward of our Latitude given which we meaſured back again upon a South Line and there fell in a very plain Place where were few Trees but we marked four or five Trees one of them marked with M. B. and at the Sea Side where the Line doth extend there lyeth a grayiſh Rock at a high Water

Water mark cleft in the middle elſe the Shore being Sand without Stones, the Line doth run over the northermoſt Point of an Iſland as we gueſſed not above two or three Rod above Highwater mark the Iſland is called the upper Clapboard Iſland about a Quarter of a mile from the main in Caſco Bay about four or five Miles to the Northward of Mr. Mackworth's Houſe. Given under our hands the 29 of October 1653.

JONAS CLARKE

SAMUEL ANDREWS.

[Mr. Andrews atteſted the above, on Oath, before the Court, on the 19th October 1654]

PROTECTOR's *Commiſſion to General* VENABLES.

[Thurloe's State Papers, Vol. III. Page 16.]

Oliver lord protector of the commonwealth of England, Scotland and Ireland, and the Dominions thereto belonging, to our truſty and well beloved Robert Venables, general and commander in chief of our army and forces to be ſent into or raiſed in America.

WHEREAS we are reſolved, through the Bleſſing of God, to ſend an Army into America, for ſecuring and increaſing the Intereſt of this commonwealth in thoſe Parts, and for oppoſing, weakening, and deſtroying that of the Spaniards, who under a pretence of the pope's donation claims all that part of the world, as belonging unto him, and thereupon hath not only exerciſed inhuman cruelties upon the natives, and prohibited all other nations to have any trade, commerce, or correſpondence with thoſe parts; but hath, contrary to the laws of all nations, by force of arms expelled the People of theſe Iſlands from ſeveral places in America, whereof they were the rightful poſſeſſors, deſtroying, and murdering many of their men, and leading others into Captivity; and doth ſtill continue all manner of acts of hoſtility upon us, and the people aforeſaid in thoſe parts, as againſt open and profeſſed Enemies; thereby threatening the ruin and deſtruction of all the Engliſh plantations in thoſe parts, when he ſhall have opportunity for the ſame. And we having by advice of our council raiſed and levied forces here in England, to be ſent into the parts aforeſaid, and intending alſo, that other forces ſhall be raiſed in the Barbadoes

and

and other Caribbee Iſlands and places there, to be joined unto them; and repoſing truſt and confidence in your faithfulneſs, ability, courage, conduct and circumſpection, we have conſtituted and appointed, and do by theſe preſents conſtitute and appoint you the ſaid General Venables, commander in chief under us of the army and forces, raiſed or to be raiſed by authority from us, for the end and ſervice aforeſaid; giving and granting unto you full power and authority to rule, govern, command, diſpoſe, and employ the ſaid army and forces, and every part thereof, and all officers and others whatſoever, of and belonging to the ſame, in, for, or about all defences, offences, executions, and other military and hoſtile arts and ſervices; and to lead and conduct the ſaid army and forces, or any part thereof, againſt the king of Spain his people, and ſubjects, in any parts of America, and all others whomſoever, who ſhall aid and aſſiſt him or them there, or ſhall be enemies or rebels to us and this commonwealth in thoſe parts, and them to purſue, invade, reſiſt, kill, and deſtroy by all means whatſoever; and alſo to command all garriſons, forts, caſtles, and towns, within the ſaid parts of America, which are already garriſoned and fortified to our uſe, or ſhall be hereafter garriſoned and fortified; and alſo full power and authority to aſſign and grant commiſſions to all ſuch commanders, officers and governors, of the ſaid army, forts and garriſons as ſhall be thought neceſſary and requiſite for the command and government of the ſame; and alſo full power and authority to command the ſeveral and reſpective governors of the iſlands of Barbadoes, Bermudas, Antigua, and other the Caribbee iſlands, and of all other Engliſh plantations in America; and all other officers and miniſters whatſoever in the ſaid iſlands and places; and alſo full power and authority to execute, or cauſe to be executed martial law, according to the cauſe and cuſtoms of war, and according to the laws and ordinances of war upon or againſt any perſon or perſons offending againſt any of the ſaid laws or ordinances of war; and alſo full power and authority from time to time by yourſelf, or others deputed and authoriſed by you, to take up and uſe ſuch carriages, draughts, boats and other veſſels, as in your diſcretion ſhall be thought needful for the conveying and conducting of the ſaid army and forces, or any part thereof or for bringing or carrying ordnance, artillery, ammunition, victuals, or any proviſions, or utenſils of war, neceſſary or requiſite for the ſame army, or forces, or any part thereof, to or from any place or places, in order to the ſaid ſervice; and alſo full power and authority to do and execute all other things incident and belonging to the place of a commander in chief of an army, and which ſhall be neceſſary and requiſite for the carrying on and accompliſhment of the Premiſſes; and all commanders, officers, and ſoldiers of the army, forces and garriſons, are hereby required to obey you as their commander in chief, according to the diſcipline of war; and likewiſe the governors, officers, and miniſters of the ſaid ſeveral iſlands and plantations, and all other officers

and perſons whatſoever in the parts aforeſaid, are hereby required to obey you, and to be aiding and aſſiſting to you in their reſpective places, for the ends and purpoſes aforeſaid: and you are in the proſecution and execution of all and ſingular the premiſſes, to obſerve and follow all ſuch inſtructions, orders, and directions, as you ſhall herewith or from time to time hereafter receive from us. And for the premiſſes theſe preſents ſhall be your warrant. In witneſs whereof we have cauſed theſe our letters to be made patents. Witneſs ourſelf at Weſtminſter, the 9th day of December in the year of our Lord one thouſand ſix hundred and fifty four.

Indorſed by ſecretary Thurloe.

4 December 1654.

This Commiſſion was read in the counſell, and paſt.

PRESENT.

Lord Preſident,	Colonel Mountagu,
Lord Lambert,	Mr. Strickland,
Col. Fiennes	Sir Ch. Wolſly,
Col. Sydenham,	Col. Mackworth,
Col. Jones,	

Ordered, that his highneſs be adviſed to give this commiſſion to general Venables.

THE *Protector to the Commiſſioners of* MARYLAND.

[Thurloe's State Papers, Vol. IV. P. 55.]

IT ſeems to us by yours of the 29th of June and by the Relation we received by Colonel Bennet that ſome miſtake or Scruple hath ariſen concerning the Senſe of our Letters of the 12th of January laſt; as if by our Letters we had intimated that we would have a Stop put to the Proceedings of thoſe Commiſſioners, who were authoriſed to ſettle the civil Government of Maryland, which was not at all intended by us, nor ſo much as propoſed to us by thoſe who made addreſſes to us to obtain our ſaid Letter; but our intention (as our ſaid letter doth plainly import) was only to prevent and forbid any force or violence to be offered, by either of the Plantations of Virginia or Maryland from one to the other upon the differences concerning

cerning their Bounds, the ſaid differences being then under the conſideration of ourſelf and council here; which for your more full ſatisfaction we have thought fit to ſignify to you, and reſt

Your loving Friend

Whitehall, 26th of September 1655.

COPY *of a Letter from Mr.* THOMAS WELLES *to Maj.* ROBERT SEDGEWICK *and Capt.* JOHN LEVERETT.*

[Hutchinſon's Original Papers.]

Honored Sirs,

I HAVE received yours of the 5th of this inſtant, and have given a call for a generall courte, but our townes being farr diſtant we cannot meete untill the beginning of the weeke. I have ſent a meſſenger to Major John Maſon who lives at Seabrooke, but he is not yet returned. I knowe that our colony will with all thankfulneſs imbrace this favour and reſpect from his highneſs and with all readines attend the counſell and advice of his commiſſioners; wee ſhall ſend one commiſſioner to join in counſell with yours, and I ſuppoſe by this time you underſtand what concurrence there is from the Bay, that you might informe us what number of men you expect from us, and what kinde of proviſions you moſt need, wee have at preſent plenty of biſkett, and ſome porke, but little butter or cheeſe; alſo which way you intend your ſhipping ſhall come, and where our men ſhall meete, wee are alltogegether ignorant in the managing of affaires of this nature, and therefore deſire you would diſpatch our meſſenger with what ſpeed you can, to give us ſome information and direction herein, and you ſhall find our readineſs to aſſiſt according to that little ſtrength and means we are furniſhed withall. Alſo wee deſire to know what number of land ſouldiers you can ſpare for the deſigne. It is thought by ſome that know the ſtrength of the Dutch, that this ſervice will require at leaſt 500 land ſouldiers. Capt. Underhill and John Younge, who are gone towards the Bay, can beſt informe you of the ſtate of things there, either in regard of fortification or the number of men, various reports come thence. I am glad to heare of your ſafe arri-

* This and the next Letter are anſwers to requiſitions made by Oliver for aid in recovering what is now called New York from the Dutch.

vall after ſo long and tedious a voyage, and hope you are preſerved to be inſtruments for the good of church and common wealth, thus with remembrance of my due reſpect to yourſelves, I take my leave and reſt ready to attend the ſervice as I ſhall receive further direction and advice from you and remaine,

Your loving friend,

Hartford this 10th of June 1654. THOMAS WELLES.*

COPY *of a Letter wrote by Order of the General Court at* PLYMOUTH *to Major* ROBERT SEDGWIGG, *&c. at* BOSTON.

[Hutchinſon's Original Papers.]

Gentlemen,

YOURS bearing date the 13th of theſe preſents wee received by our meſſengers Capt. Standiſh and Capt. Willet, and having ſeriouſly agitated and deliberated upon particulars in reference to the command ſent unto us by his highneſs the Lord Protector of England, Scotland and Ireland, as alſo unto your propoſals; the reſult is, that by the helpe of God wee intend to cloſe with you in your intended enterpriſe againſt the Dutch at the Manhatoes with ſuch ſmall helpe as we are able to afford; and according to your deſire wee have appointed Capt. Thomas Willet to repaire to you with all convenient ſpeed to aford what helpe may be for the facilitating the aforeſaid expedition and it ſhall be our endeavour to have ſuch means conducing to the aforeſaid expedition as wee are able to aford in as good readineſs as wee can with all convenient ſpeed, we reſt, Sirs,

Your aſſured friends,

NATHANIEL MORTON,

Plymouth the 15th of June 1654. Clarke by order of the generall court.

APPLICATION

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* Thomas Welles was a Magiſtrate of Connecticut Colony, afterwards Governor before Connecticut and New-Haven were united, and Deputy Governor after the Union.

APPLICATION *of* SEDGWICK, LEVERETT *and others to the General Court.**

[Hutchinſon's Origlnal Papers.]

Boſton in New England 20th October 1654.

May it pleaſe this honoured court,

PROVIDENCE having ſoe diſpoſed it as to bring the province of Acadia under the power and government of his highneſs Oliver lord Protector of England, Scotland and Ireland, we well knowing what greate reſpect you owe unto the ſtate of England, and not doubting of your readineſs in any thing you can to manifeſt the ſame to them, are therefore encouraged to make theſe few propoſitions in the name of his highneſs and the ſtate of England.

1. That you would be pleaſed to declare that if the Engliſh inhabitting in the country of Acadia be at any time aſſaulted with an enemie, or in any occaſion of needing helpe from this government, you will aſſiſt us with ſuch men as we may ſtand in neede of, we paying for them according to the Cuſtome of paying ſouldiers in this country in any ſervice you employ them in.

2. That as its well knowne that at preſent there is noe wayes to maintaine the vaſt expence of the garriſon but by trade with the ſalvages, as its now a ſettled law in that province that not any ſhould trade with them but ſuch as are deputed by thoſe in authoritie in the province, that accordingly you would aſſent and conſent that law and order, ſoe far as that it may be effectuall in this government, ſoe as when any ſhall be convicted of the breach thereof they may ſuffer as if they had been taken in the province of Acadia.

Many reaſons we might give, and ſhall if deſired, why there might be a compliance with us in this our requeſt, but we hope that reſpect and compliance with England will be argument enough to admit this favour in which we hope we attend much the good of theſe plantations, and be confident you ſhall finde us readie to our

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"* See Hiſt. Maſſa. V. I. p. 182 & 183, where he is ſuppoſed to have died in England. Cromwell ſent him with ſtores after Penn to the Weſt Indies. He was made a Commiſſioner after Winſlow's death, and died himſelf at Jamaica in 1656. *Thurloe's Collection, V. V. p.* 96."

our power to ſerve you either here or in any place God ſhall caſte us in, and remaine your humble ſervants,

ROBERT SEDGWICKE,
JOHN LEVERETT,
WILLIAM HATHORNE,
ROBERT FENN,
MARK HARRISON,
ROBERT MARSTIN.

MASSACHUSETTS *General Court's Reply to* G. CLEVES *Propoſals about* YORKSHIRE.

[Maſſachuſetts Records]

October 24th, 1655.

IN Anſwer to the Propoſitions preſented to this Court by Mr. George Cleaves employed by ſeveral Inhabitants of the northern Parts of our Patent pretended by them to be the Province of Lygonia, The Court having conſidered and compared the Patents produced by Mr. Cleaves with our own do find ours to have the Precedency and ſo conſequently the Lands in Diſpute to be our proper Right by Patent, lying and being ſituate within three miles of the northward of the moſt northerly Part of Merrimack River the Bounds granted us by Patent as may appear by the Original, a Copy whereof we have delivered according to the Deſires of the ſaid Inhabitants to Mr. Cleaves together with the teſtimonies of the Surveyor of the moſt northerly Part of Merrimack, as alſo of thoſe that obſerved the parallel Latitude upon the Sea Coaſt in or near unto the Bay of Caſco, the Search whereof though deferred for ſome years cannot prejudice our Right when known nor ſtrengthen the Title of others becauſe we did not in particular challenge the utmoſt of our Bounds which we could not in modeſty do till we had thereof ſome Aſſurance, though our general Claim hath been conſtantly from the firſt to three miles Northward of the moſt northerly Part of the ſaid River in Length and Longitude through the main Land from the Eaſtern Sea to the Sea on the Weſt; and therefore all Grants, Orders or combinations to concerning or of any perſons within the ſaid Limits are invalid null and of no Force or Obligation upon

on the Conſciences of any nor is there any Fear of Imputation to any upon that account; how fairly we have demeaned ourſelves to all our neighbours in all our References and Concernments we leave to them to teſtify as they ſee Cauſe.—How ſince we have known our Limits we have civily and friendly declared ourſelves to the Inhabitants of thoſe parts hath been to their Conſent and Approbation, neither was threatening ever objected to us till now too ſoon, becauſe too unjuſtly, upon thoſe that are innocent. We have and do modeſtly demand our Right and cannot accept of a denial from thoſe that ought to yie d it, nor conſent to any Forbearance thereof becauſe we have no Doubt therein, and find that thereby we do but furniſh others to object againſt us. We have not endeavoured to infringe the Liberties of the Planters of thoſe Lands but have offered them the ſame with ourſelves, nor to enrich or eaſe ourſelves by taxing their Eſtates, we expect no more than what they formerly did viz. bear their own charges, nor do we ſeek to put upon them that which we ourſelves would count unequal viz. to ſubject to ſuch Laws and Conſtitutions made by others without their Conſent, it being the Portion of moſt of our preſent Inhabitants as of the Subjects of moſt Countries to be in no other Capacity, the Conſtitution of Government and new model of Laws not being made in every age of Men or upon the Arrival of New Comers to a Colony. If therefore the ſaid Inhabitants ſhall endeavour to prevent us in our juſt Rights, we muſt profeſs againſt their proceedings as unjuſt, and ſhall adviſe ourſelves to take ſuch Courſe as ſhall evidence our Deſires to acquit ourſelves honeſtly before God and man.

A PAPER *concerning the Advancement of Trade.*

[Thurloe'e State Papers, Vol. V, Page 80.]

THE Engliſh colony in Virginia being Members of the commonwealth of England, and acknowledging the Government eſtabliſhed, may as juſtly claim the benefit of protection and all other privileges and advantages claimable by ſubjects, as any other body of ſubjects in England or elſewhere can expect from the government thereof. For not being ſeparated from the reſt by way of puniſhment, but to enlarge the territories and dominion of England whereby not only the power but wealth of the Nation is much encreaſed, their tranſplantation cannot in reaſon or juſtice take off from any privilege they enjoyed before, or ſhould enjoy, being yet within the bounds of England. The Protection and Security we enjoy at home under the nearer influence of the government, 1. In general, againſt enemies both foreign and domeſtick, by a potent Militia. 2. In particular, in our perſons and eſtates, by

an impartial adminiſtration of juſtice, and execution of the laws; the peace and plenty we enjoy do ſufficiently manifeſt: the flouriſhing of Commerce and trade does abundantly evidence the encouragement propoſed to induſtry. But that the Virginians are not equal ſharers in their mother's bleſſings, a view of their preſent condition will eaſily demonſtrate.

Their inſecurity from the treacherous cruelty of their barbarous neighbours we may gather by looking back upon former maſſacres, they being now in no better poſture of defence than then.

That the natives are not much to be feared as an open Enemy is eaſily granted; but being a People, that have no tye of religion or morality upon them, nothing but an awe of ſome viſible power can reſtrain them from the execution of their malice and revenge, when they think they have an Opportunity.

The remembrance of their laſt puniſhment when they loſt their great king, has hitherto kept them in awe; but time will ſooner wear out the ſenſe of their ſmart, than their thirſt for revenge: they have not forgotten the Advantage they have (and ſtill have) by the diſtance of our plantations from one another; nor are they ignorant of our want of force in readineſs either to correct or ſuppreſs them. Beſides to theſe advantages if any encouragement ſhould be given them by any foreign or more powerful prince, we ſhould quickly ſee them appear in their own colours. What Encouragement the poor planter has had to ſweeten his labour, ſince the Dutch were excluded trade, appears by the general complaint of them all, that they are the merchants ſlaves, who will allow them ſcarce a halfpenny *per* pound for their tobacco. Beſide that ſince the Dutch trade was prohibited till this year, there has been a great deal of their tobacco left behind for want of fraught and ſpoiled, to the (almoſt) undoing of divers of them. This will in time utterly undo the poorer ſort (three parts of four of the whole) and reduce them to a neceſſity of becoming ſlaves to the reſt, who being merchants as well as planters, will be better able to ſubject, or elſe provoke them to conſpire with the natives to cut their neighbours throats; which, beſides the abominableneſs of it, would certainly ruin the plantation. This is an inconveniency, which has attended that act for navigation, which doubtleſs had honourable and advantageous Ends in it. But unleſs it be a little diſpenſed withal, it will undoubtedly ruin that Part of the trade it was intended to advance. 'Tis true, the people of themſelves, ſome of them at leaſt, have (this year) endeavoured their own relief by ſecret trade with the Dutch (conveying their tobacco with the Dutch plantation) whereby part of thoſe ſhips, that arrived there, though ſome miſcarried ('ere they arrived at the port) are like to return without their lading, which has redounded not only to the merchants and ſeamens loſs, but the ſtate is thereby much defrauded of their cuſtoms. Either theſe Inconveniences or the ruin of the poor planters muſt follow, if the act be rigorouſly obſerved.

To

To remedy all theſe inconveniences, I ſhall humbly propoſe, that ſome part of the emolument, which is raiſed out of thoſe poor people's labours, as a cuſtomary ſubſidy towards the ſupport of the ſupreme authority, and for the better government and ſupport of the nation, may be diſpoſed of to their ſecurity and encouragement; which may be done with little charge, if his Highneſs would be pleaſed to permit the Dutch to fetch a certain quantity, as three, four, five, or ſix hundred tun of tobacco yearly, paying the cuſtom for it there; and out of this fifteen hundred pounds *per ann.* to be diſpoſed of to the maintenance of a certain number of ſoldiers, to keep a fort in ſome convenient place; and the overplus to be returned for England, or diſpoſed of as his highneſs and council ſhall think fit.

This fifteen hundred pounds would ariſe out of ſuch tobaccos, as are yearly either left behind, or ſecretly conveyed to the Dutch plantation; and ſo the income to his highneſs's exchequer not at all leſſened, and yet many grievances redreſſed: the plantation put in a better condition to defend itſelf both againſt Enemies foreign and domeſtick, the planters ſatisfied and endeared by an act of clemency and paternal care in his highneſs, in mitigating the rigour of the act, which muſt of neceſſity have been their ruin. Beſides the ends before propoſed, to which this expedient will be ſatisfactory, many other advantages will ariſe from it, as the making further diſcovery of the country, which the Engliſh, in the condition they are now in, cannot well do, the attendance on their tobacco giving them their whole year's employment.

That there may be mines is more than probable; ſome of the natives upon the diſcovery of the ſouthern part ſhewed pieces of copper; and it is very certain, that in the Spaniſh plantations in the ſame latitude there are mines of a better ſort.

Beſides here is no queſtion, but beyond the weſtern hills there may ſoon be found the heads of rivers, which of neceſſity muſt empty themſelves into the South Sea; the advantages whereof are ſo obvious it were vain to mention them.

If the Dutch were allowed to fetch more tobacco than would raiſe the foremention ed ſum, (and ſo come with more ſhips than one) they might be obliged to bring negroes to ſupply the colony with ſervants, that this nation may not be too much exhauſted, nor that colony come to ruin for want of ſervants. The overplus of cuſtoms may be faithfully conveyed for England; or if his highneſs would be graciouſly pleaſed to allow part of it towards the propagation of the Goſpel, to maintain fit inſtruments for that employment, which without encouragement will go but ſlowly forward, the promotion of ſo glorious a work would add much to his great name, confirm ſome, and convince others that the Lord of Hoſts had raiſed him up to do his work. If ſomething elſe were allowed to the encouragement of ſeamen to inhabit there, it would in time infinitely advance navigation and increaſe of ſhipping, there being no place more proper than upon and near that coaſt, and nature

as if prompting to ſuch a Trade) has already provided ſalt in the bowels of the earth, where it only requires fetching, and that at no great diſtance. Theſe benefits (much more might they be reckoned) being ſo advantageous to the nation in general, and ſo almoſt neceſſary to that plantation in particular, will certainly abundantly outweigh all inconveniencies that can attend it; and in a little time (being by this means encouraged to induſtry) put the colony in a capacity to return a thankful acknowledgment of ſo great a favour, and by the fruits of their labours to defray the charge of bringing them to ſuch a perfection.

A Brief Narration of the ENGLISH *Rights to the Northern Parts of* AMERICA.

[Thurloe's State Papers, Vol. V. Page 81.]

A. D. 1656.

AS a part of the weſtward part of the fourth part of the world, called America or the Weſt Indies was firſt diſcovered by Columbus, at the charges of Ferdinand and Iſabel ſovereign of Spain; and as by virtue of that diſcovery their ſucceſſors claim a general right and title to all the lands within that tract, and a particular, either to ſuch land, which they ſhall purchaſe from the native proprietors, of ſuch which are void of inhabitants, or ſuch which they ſhall conquer and ſubdue with the ſword; and as the two firſt particular rights are undeniable, ſo they may plant and erect what colonies they pleaſe therein of their own native ſubjects or others. Although the third is ſomething diſputable, yet notwithſtanding the general right of Spain to the above place was never yet denied or controverted by any prince or ſtate in Europe, and no attempt made againſt them by any (to interrupt them in thoſe places they had taken and kept poſſeſſion of there) but only at ſuch times, as Spain was in hoſtility with one or more of the nations of Europe, for as it hath been the moſt juſt cuſtom and practice of many ſtates, that when the commonwealth did ſuperabound with People, rather to ſeek out new diſcoveries (then to make war with their neighbours) for the tranſporting and tranſplanting of colonies, where they might enjoy lands according to the two firſt particular rights, and at the public charge of the commonwealth or the particular of ſome certain perſons, and the diſcovery being made, and colonies planted, it muſt very eaſily follow they were and are to remain and to be accompted as members of their mother commonwealth: ſo all the lands diſcovered for the ends aforeſaid, whether in a ſmaller or greater latitude, and at the charges aforeſaid, and with the incluſion of the two firſt particular rights

rights are to be accompted the intentional and national right and property of the firſt diſcoverers, and that according to the Law of nature, and in that the Law of Nations; and whatſoever prince or ſtate (in league and amity with that prince, ſtate or commonwealth) that ſhall intrude within the ſaid limit, and anticipate the firſt diſcoverers, is highly guilty of the breach of civil correſpondency and of the law or cuſtom of nations civilized. And that the Dutch have both intruded and anticipated the firſt diſcoverers the Engliſh nation in theſe northern parts of America, is made eaſily to appear, and that ſince they caſt off the yoke of Spain; for whilſt they were and did acknowledge themſelves ſubjects of Spain, they muſt neceſſarily and did acknowledge the Engliſh rights to theſe northern parts of America. For as the then ſovereign Ferdinand and Iſabel did acknowledge the ſame to be in our Henry VIIth. of England and his ſucceſſors: ſo the Duke of Burgundy, under whom and to whom the Netherlands were ſubject, coming to be King of Spain, acknowledged the ſame, and that upon the aforeſaid Grounds; for as Ferdinand and Iſabel employed Columbus at their own charge and ſet forth a Fleet of ſhips under his command for new diſcoveries; ſo our Henry the VIIth. much about the ſame time employed Sebaſtian Cabot, † ſending a Fleet of Ships under his command upon the like Deſign. And as Columbus diſcovered the weſtern or ſouthern Parts, ſo Cabot (at the Charge of the ſaid King) diſcovered theſe northern parts. And ever ſince which the national right of the Engliſh nation (to theſe parts) hath been lawfully maintained from age to age ſucceſſively almoſt for the ſpace of two hundred years, and that either at the public charge of the prince, or ſome private generous undertakers; and that by and with all fair and friendly correſpondency with the natives, further diſcoveries, poſſeſſion, and population in conveniency of time as may appear by ancient records. For king Edward the VIth employed† John Cabot, the Son of the ſaid Sebaſtian Cabot, for this northern Diſcovery; and upon his return, for the reward of his pains, conferred the Honor of Knighthood upon him, and made him pilot major. And in the reign of Queen Elizabeth of famous memory that generous knight, Sir Humphry Gilbert, and, after him in the ſame queen's Reign that renowned and well knowing Knight Sir Walter Ralegh, who ſettled the firſt colony in theſe parts of America, and that before any other of the nations of Europe, the two laſt kings were ſo careful for the maintaining the Engliſh right, that they confirmed general patents (to ſeveral of their ſubjects, as well of the nobility as other undertakers, for ſeveral latitudes of Land, for their ſettling of Colonies therein, and further populating theſe parts, and for the better effecting whereof and reducing theſe our wild brethren to a knowledge of Chriſt, and advancing the plantation

* This ſhould have been *John Cabot*.

† *Sebaſtian* Cabot the Perſon employed by Edward VIth was the *Son of John*.

called Virginia) from the maiden queen; divers of the Nobility of England, with ſeveral of the gentry, merchants and others, were incorporated into a body, called the Virginia company, and that before the name of a Weſt India company was known in Holland, and the which has coſt England more than a million of money. And as the Engliſh nation has the beſt general right of all the nations in Europe to theſe northern parts of America, and that grounded upon the Law of nature and nations; ſo they can ſhew the beſt evidence in their great Improvements thereof almoſt to the world's wonder, eſpecially in theſe parts called New England, lying between forty and forty eight degrees of northerly latitude.

And as by virtue of the ſaid general right they have a particular, ſo they may purchaſe what lands they pleaſe in any part thereof, either by many or few, more, or one, always provided they give and yield an obedient acknowledgment and ſubordinate ſubjection to the general laws of their nation and mother commonwealth; and in caſe any ſhall wilfully and knowingly do otherwiſe, by putting themſelves and lands ſo purchaſed as ſubjects and ſubject to another ſtate, they are in a degree as guilty, as he or they, that ſhall in England acknowledge ſubjection to a foreign ſtate.

Thus as the general and particular rights of the Engliſh to theſe northern parts of America, are as plainly and perſpicuouſly laid down; ſo upon a due examination it will be found, that the Dutch have no right at all either in the general or particular, but have intruded into and anticipated the Engliſh in their rights, and that at firſt by a violent uſurpation and force upon the native Indians; but whether it was by particular men, or the public approbation of their ſtate, is queſtionable; but of the two I rather conceive it was by particulars, my Reaſons being;

That in caſe the firſt ground of the grant of charter from their ſtates to their Weſt India company, and under whoſe patronage the Dutch plantation of Manhataas is now ſettled, be well and truly examined, it will be found, that it was only for them to ſubdue and conquer what they could in America, and that as from an Enemy the King of Spain; for, as I am credibly informed, the preſent Dutch Governour, in many of his public writings, terms the Dutch plantation there a conqueſt, or the Weſt India company's conqueſt, and the which if ſo, it would be demanded from whom conquered.

My ſecond reaſon is, that the Dutch plantations, now by them called the Netherlands, have not been commonly ſo called and known, until of very late years, but was better known and commonly called by them the New Virginia, as a place dependent upon or a relative to the Old Virginia. And as there is in that an acknowledgment of Engliſh right, ſo I conceive it to be true, which is commonly reported, that by the permiſſion of king James they had granted from him to their ſtates only a certain iſland, called therefore by them States Iſland, as a watery place for their Weſt India

fleets;

fleets; although as they have incroached upon, ſo they have given it a new Dutch name, ... wiping out the old Engliſh names in thoſe parts in America in their old Sea-Charts, and have new Dutchified them.

Thus according to my duty to my country and countrymen, and according to that portion of my weak underſtanding, I have briefly demonſtrated the Engliſh rights to theſe parts of America; although more knowing men are better able to vindicate the ſame, Yet nevertheleſs I hope it will be friendly received, it being with a real intention only of informing my countrymen, that are ignorant thereof in theſe parts, of their juſt rights thereunto, and of their great error in ſubjecting themſelves and lands to a foreign ſtate. And do therefore lovingly adviſe them, eſpecially the Engliſh towns upon the weſtward parts of Long Iſland, or any other of the Engliſh nation, that do intend to ſettle down in towns and colonies, to be very cautious of making themſelves guilty either of ignorant or wilful betraying the rights of their nations, by their ſubjecting themſelves and lands to a foreign ſtate.

EXTRACT *from the Treaty between* OLIVER CROMWELL, *and* CHARLES GUSTAVUS *King of* SWEDEN, *Done at* LONDON, *Anno* 1656.

[Collection of Treaties, Vol. III. P. 171.]

IX. AS to the Commerce to be carried on in America, 'tis expreſsly provided by Law, that the Subjects of no Republick beſides ſhall be impowered to trade there in common without a ſpecial Licence; but if any of the Subjects of the moſt Serene King of Sweden, furniſhed with his recommendations, ſhall privately ſollicit ſuch Licence of the Lord Protector to trade to any of thoſe Colonies whatſoever, he will in this reſpect comply with the Deſire of his moſt Serene Royal Majeſty of Sweden, as far as the State of his Affairs and of the Republick will for that Time permit.

X. It ſhall be free for the Subjects of the moſt Serene King of Sweden, to fiſh and catch Herrings and other Fiſh in the Seas and on the Coaſts which are in the Dominion of this Republick, provided the Ships employed in the Fiſhery don't exceed a Thouſand in number: Nor while they are fiſhing ſhall they be any wayes hindered or moleſted; nor ſhall any Charges be demanded on account of the Fiſhing by the Men of War of this Republick, nor by thoſe who are commiſſioned privately to trade at their own Expence, nor by the fiſhing veſſels on the Northern

Coaſts

Coaſts of Britain, but all Perſons ſhall be treated courteouſly and amicably, and ſhall be allowed even to dry their nets on the ſhore, and to purchaſe all neceſſary Proviſions from the Inhabitants of thoſe places at a fair Price.

COPY *of a Letter from the General Court of the* MASSACHUSETTS *to Mr.* HOPKINS.

[Hutchinſon's Original Papers.]

Much honoured Sir.

I AM required by our generall court to ſignify unto you, that they have not binn nor are without a due ſenſe of the many ſingular expreſſions of your faithfull love to them, in your beſt endeavours to promote theire affaires (which they have binn informed of) in your readines at all times to afford their late agent Mr. Winſlow your beſt furtherance and aſſiſtance, as need required, though as hitherunto they have not had the opportunity to returne you theire gratefull acknowledgments, as you might before now juſtly have expected. But aſſure yourſelfe, deare Sir, however they have binn wanting in this reſpect, yett theire beſt deſires at the throne of grace have not binn wanting to emplore a rich recompence of reward on your head and heart as well as on many others whom the Lord hath ſtirred up to wiſh well to his exiled ones in theſe parts, and are not without hope the Lord will more and more encourage you according to the mercies you receave. Opportunity he puts into your hands whilſt you are heere to be acting for him, who is and will be a rich paymaſter in the end. Sir, our court underſtanding of your illnes and the many imploiments that are on you, have contented themſelves in deſireing, as opportunity ſhall preſent and as Capt. John Leveret whom they have now commiſſioned as theire agent ſhall deſire, your continued helpfulnes and aſſiſtance of him in promoting theire affaires with his Highnes the Lord Protector and his honorable Councell, as neede ſhal be, whereof they hope you will have no cauſe to repent, not being willing farther to interrupt you in your weighty imployment, the proſperity whereof is the dayly prayers of,

Sir, Your obliged

and well-wiſhing friends,

November 1655. EDWARD RAWSON, Secretary.

In the name and by the order of the General Court.

COPY

COPY *of the General Court's Commiſſion to Capt.* JOHN LEVERETT, *Agent for them.*

[Hutchinſon's Original Papers.]

Locus Sigilli.

The Generall Court of the Maſſachuſetts in New England aſſembled at Boſton the 23 *of November* 1655.

To our truſtie and much honoured friend Captaine John Leverett

Jo. Endecott, Gov. WHEREAS this court hath choſen and appointed you to be their agent in England during your abode there: You are heeteqy commiſſioned and impowered according to inſtructions heerwith given unto you to appeare for us and acte in our behalfe in all matters of concernment to us before his Highnes the Lord Protector of the Common Wealthes of England Scotland and Ireland and his honourable Councill there. Given at Boſton the day and yeare above written. In teſtimonie whereof the ſeale of this colonie is heereunto affixed.

By the Court,

EDWARD RAWSON, Seeretary.

The General Courts Inſtructions, &c.

Inſtructions to our truſtie and much honoured friend Capt. John Leveret, choſen and impowered by this Court as our Agent to preſent our deſires to his Highnes or Counſell of State in England, and to negotiate our affairs there as opportunitie may afford or emergencie of occaſions require, according to the enſuing Inſtructions.

1. YOU are deſired to take the firſt convenient opportunitie to preſent the letter from this Court (heerewith delivered) unto his Highnes. And upon all occaſions to let his Highnes underſtand how thankfullie we accept and at all tymes readilie acknowledge his Highnes favour and clemencie towards us, and to aſſure

him of our reall and ſyncere affection towards his Highneſs and readines upon all occaſions to be ſerviceable unto him to the utmoſt of our power and abilitie.

2. You are alſo requeſted to informe his Highnes of a letter ſent the laſt yeare to Mr. Winſlow to be preſented unto his Highnes, and that it is our humble deſire to know if his highneſs received it (a copy whereof we have heerewith delivered you) and diligently to obſerve what ſenſe his Highnes ſhall be pleaſed (of himſelfe) to expreſſe concerning the ſame.

3. That you alſo humbly deſire on our behalfe that ſeeing our former agent is dead, and we have many enemies in the world, that all complaints made againſt us by one or other may take no place in his princely breaſt, but be ſuſpended from all beliefe till we may have knowledge thereof and opportunitie to anſwer for ourſelves.

4. If peace be concluded betwixt England and Erance, and the French fortes in theſe parts included therein, and that you finde a propenſitie in his Highnes to gratifie New England with the ſame, that you improve your beſt intereſt and opportunitie for the obtayning thereof, provided they be free from charges and other ingagements.

5. You are further hereby deſired humblie to move his highnes that this countrie may have the opportunitie to furniſh his fleet at Jamaica with proviſions of wheat, beef, pork, &c. to the value of ten or twelve thouſand pounds per annum, for bills of exchange into England, according to his Highnes order, and to promote the ſettling of a magazine heere for ſupplying the Weſt India fleete as occaſion may require. And in this affaire, if you ſee cauſe or neede, you may improve the helpe of Mr. Peters, Mr. Hopkins, or any other friend of ours, and may ingage for the prices to our beſt advantage, or as they gave the laſt yeare.

6. If any complaint be made by Mr. Rigby concerning our clayme by virtue of our patent, as intrenching upon what he calls the province of Ligonia, you may for the preſent make the beſt anſwere you may, for the reaſons expreſt in our anſwere given Mr. Cleaves agent, a copie whereof we herewith deliver you, which if it ſatisfie not, you may crave libertie for our further anſwere.

By the Court,

Boſton, 23d Nov. 1655. EDWARD RAWSON, Secretary.

COPY

COPY *of an Addreſs to his Highneſs* OLIVER CROMWELL.

[Hutchinſon's Original Papers.]

May it Pleaſe your Highneſs,

AMIDST the thronge of important ſuiters and oppreſſing multitude of occaſions of high concernment to accept of our moſt humble thankfull acknowledgment of your continued favours to us poor exiles in theſe utmoſt ends of the earth. We might account it no little diſadvantage whileſt others having nearer acceſſe to your highneſs, and thereby opportunitie to teſtifie their zeale for your ſervice, that we by our diſtance ſhould be diſenabled from giving any other demonſtration than an anniverſary acknowledgement of our obligation, were it not that your owne goodnes under God were the fountaine whence all theſe ſtreames of bountie have been derived unto us, whereby we are encouraged to hope as we have good cauſe to beſeech for the continuance thereof: The want whereof would be moſt prejudiciall if not deſtructive to this colonie, when the endeavours of ſome may be to miſinforme your highnes, by preſenting complaints againſt us, we having none to intercede for us or truely to repreſent unto your highnes in our behalfe: The conſideration whereof, were not God our gracious father in the Lord Jeſus, would overwhelme us did not the aſſurance of your highnes clemency patience and ſingular affection ſupport us; But that we might not ſeeme to be wanting in the defence of our owne innocencie, nor preſume too far upon your highnes indulgence, we have deſired our loving and honoured friend Capt. John Leveret to give your highnes a true account of all our actings wherein your highnes ſhall ſee cauſe to require ſatisfaction, not doubting but the clearing of our innocencie will be moſt acceptable to your highnes, being confident no impreſſion to the contrarie will be receaved before we have had the opportunitie to vindicate the ſame from any aſperſions that may occaſionallie be caſt upon us. We dare not preſume further to detayne your highnes from the care of your more weightie affaires, the proſperous ſucceſſe whereof is the dayly prayer of

Your highnes moſt humbly devoted ſervants,

J. ENDECOT, Gov.

R. BELLINGHAM, D. Gov.

him of our reall and ſyncere affection towards his Highneſs and readines upon all occaſions to be ſerviceable unto him to the utmoſt of our power and abilitie.

2. You are alſo requeſted to informe his Highnes of a letter ſent the laſt yeare to Mr. Winſlow to be preſented unto his Highnes, and that it is our humble deſire to know if his highneſs received it (a copy whereof we have heerewith delivered you) and diligently to obſerve what ſenſe his Highnes ſhall be pleaſed (of himſelfe) to expreſſe concerning the ſame.

3. That you alſo humbly deſire on our behalfe that ſeeing our former agent is dead, and we have many enemies in the world, that all complaints made againſt us by one or other may take no place in his princely breaſt, but be ſuſpended from all beliefe till we may have knowledge thereof and opportunitie to anſwer for ourſelves.

4. If peace be concluded betwixt England and Erance, and the French fortes in theſe parts included therein, and that you finde a propenſitie in his Highnes to gratifie New England with the ſame, that you improve your beſt intereſt and opportunitie for the obtayning thereof, provided they be free from charges and other ingagements.

5. You are further hereby deſired humblie to move his highnes that this countrie may have the opportunitie to furniſh his fleet at Jamaica with proviſions of wheat, beef, pork, &c. to the value of ten or twelve thouſand pounds per annum, for bills of exchange into England, according to his Highnes order, and to promote the ſettling of a magazine heere for ſupplying the Weſt India fleete as occaſion may require. And in this affaire, if you ſee cauſe or neede, you may improve the helpe of Mr. Peters, Mr. Hopkins, or any other friend of ours, and may ingage for the prices to our beſt advantage, or as they gave the laſt yeare.

6. If any complaint be made by Mr. Rigby concerning our clayme by virtue of our patent, as intrenching upon what he calls the province of Ligonia, you may for the preſent make the beſt anſwere you may, for the reaſons expreſt in our anſwere given Mr. Cleaves agent, a copie whereof we herewith deliver you, which if it ſatisfie not, you may crave libertie for our further anſwere.

By the Court,

Boſton, 23d Nov. 1655. EDWARD RAWSON, Secretary.

COPY

COPY *of an Addreſs to his Highneſs* OLIVER CROMWELL.

[Hutchinſon's Original Papers.]

May it Pleaſe your Highneſs,

AMIDST the thronge of important ſuiters and oppreſſing multitude of occaſions of high concernment to accept of our moſt humble thankfull acknowledgment of your continued favours to us poor exiles in theſe utmoſt ends of the earth. We might account it no little diſadvantage whileſt others having nearer acceſſe to your highneſs, and thereby opportunitie to teſtifie their zeale for your ſervice, that we by our diſtance ſhould be diſenabled from giving any other demonſtration than an anniverſary acknowledgement of our obligation, were it not that your owne goodnes under God were the fountaine whence all theſe ſtreames of bountie have been derived unto us, whereby we are encouraged to hope as we have good cauſe to beſeech for the continuance thereof: The want whereof would be moſt prejudiciall if not deſtructive to this colonie, when the endeavours of ſome may be to miſinforme your highnes, by preſenting complaints againſt us, we having none to intercede for us or truely to repreſent unto your highnes in our behalfe: The conſideration whereof, were not God our gracious father in the Lord Jeſus, would overwhelme us did not the aſſurance of your highnes clemency patience and ſingular affection ſupport us; But that we might not ſeeme to be wanting in the defence of our owne innocencie, nor preſume too far upon your highnes indulgence, we have deſired our loving and honoured friend Capt. John Leveret to give your highnes a true account of all our actings wherein your highnes ſhall ſee cauſe to require ſatisfaction, not doubting but the clearing of our innocencie will be moſt acceptable to your highnes, being confident no impreſſion to the contrarie will be receaved before we have had the opportunitie to vindicate the fame from any aſperſions that may occaſionallie be caſt upon us. We dare not preſume further to detayne your highnes from the care of your more weightie affaires, the proſperous ſucceſſe whereof is the dayly prayer of

Your highnes moſt humbly devoted ſervants,

J. ENDECOT, Gov.

R. BELLINGHAM, D. Gov.

COPY *of a Letter from Mr.* ROGER WILLIAMS *Preſident of* PROVIDENCE *Plantations, to the General Court of Magiſtrates and Deputies aſſembled at* BOSTON.

[Hutchinſon's Original Papers.]

Providence, 15. 9*mo*. 55. *(ſo called)*

Much honoured Sirs,

IT is my humble and earneſt petition unto God and you, that you may ſo be pleaſed to exerciſe command over your own ſpirits that you may not minde myſelfe nor the Engliſh of theſe parts (unworthy with myſelf of your eye) but only that face of equitie (Engliſh and Chriſtian) which I humbly hope may appeare in theſe repreſentations following.

Firſt, May it pleaſe you to remember, that concerning the town of Warwick (in this colonie) there lies a ſuite of £.2000 dammages againſt you before his highnes and the lords of his councell, I doubt not if you ſo pleaſe, but that (as Mr. Winſlow and myſelf had well nigh ordered it) ſome gentlemen from yourſelves and ſome from Warwick deputed, may friendly and eaſily determine that affair betweene you.

Secondly, The Indians which pretend your name at Warwick and Pawtuxet and yet live as barbarouſly if not more than any in the country) pleaſe you to know their inſolences upon ourſelves and cattell (unto £.20 dammages per annum) are inſufferable by Engliſh ſpirits; and pleaſe you to give credence that to all theſe they pretend your name and affirme that they dare not (for offending you) agree with us, nor come to rules of righteous neighbourhood, only they know you favour us not and therefore ſend us for redreſſe unto you.

Thirdly, concerning four Engliſh families at Pawtuxet, may it pleaſe you to remember that two controverſies they have long (under your name) maintained with us to a conſtant obſtructing of all order and authoritie amongſt us.

To our complaint about our lands they lately have profeſt a willingnes to arbitrate, but to obey his highnes authoritie in this charter they ſay, they dare not for your ſakes, though they live not by your lawes, nor bear your charges nor ours, but evade both under colour of your authoritie.

Honoured Sirs, I cordially profeſſe it before the moſt high, that I believe it, if not only they but ourſelves and all the whole country, by joint conſent, were ſubject to your government, it might be a rich mercy; but as things yet are, and ſince

it

it pleaſed firſt the parliament, and then the lord admirall and committee for foraigne plantations, and ſince the councell of ſtate, and laſtly the lord protector and his councell, to continue us as a diſtinct colonie, yea, and ſince it hath pleaſed yourſelves by publick letters and references to us from your publick courts to owne the authoritie of his Highnes amongſt us; be pleaſed to conſider how unſuitable it is for yourſelves (if theſe families at Pawtuxet plead truth) to be the obſtructers of all orderly proceedings amongſt us; for I humbly appeale to your owne wiſedomes and experience how unlikely it is for a people to be compelled to order and common charges, when others in their boſoms are by ſuch (ſeeming) partialitie exempted from both.

And therefore (laſtly) be pleaſed to know, that there are (upon the point) but two families which are ſo obſtructive and deſtructive to an equall proceeding of civill order amongſt us; for one of theſe 4 families, Stephen Arnold, deſires to be uniforme with us, a ſecond Zacharie Rhodes, being in the way of dipping is (potentially) baniſhed by you. Only Wm. Arnold and Wm. Carpenter (very far alſo in religion from you, if you knew all) they have ſome colour, yet in a late conference they all plead that all the obſtacle is their offending of yourſelves.

Fourthly, whereas (I humbly conceave) with the people of this colonie your commerce is as great as with any in the countrey, and our dangers (being a frontier people to the Barbarians) are greater than thoſe of other colonies, and the ill conſequences to yourſelves would be not a few nor ſmall, and to the whole land, were we firſt maſſacred or maſtered by them. I pray your æqual and favourable reflection upon that your law which prohibits us to buy of you all meanes of our neceſſary defence of our lives and families (yea in this moſt bloudy and maſſacring time.)

We are informed that tickets have rarely bene denied to any Engliſh of the country; yea the barbarians (tho' notorious in lyes) if they profeſſe ſubjection, they are furniſhed: Only ourſelves, by former and later denyall ſeem to be devoted to be the Indian ſhambles and maſſacres.

The barbarians all the land over are filled with artillerie and ammunition from the Dutch, openly and horridly, and from all the Engliſh over the country (by ſtealth) I know they abound ſo wonderfully, that their activitie and inſolencie is grown ſo high, that they dayly conſult and hope and threaten to render us ſlaves, as they long ſince (and now moſt horribly) have made the Dutch.

For myſelfe (as through Gods goodneſs) I have refuſed the gaine of thouſands by ſuch a murtherous trade, and think no law yet extant amongſt yourſelves or us ſecure enough againſt ſuch a villainie; ſo am I loath to ſee ſo many hundreds (if not ſome thouſands) in this colonie deſtroyed like fools and beaſts without reſiſtance: I grieve that ſo much bloud ſhould cry againſt yourſelves, yea and I grieve that (at this inſtant by theſe ſhips) this cry and the premiſſes ſhould now trouble his high-

nes and his councell. For the ſeaſonable preventing of which is this humble addreſs preſented to your wiſdome, by him who deſires to be

Your unfeigned and faithful ſervant,

ROGER WILLIAMS,
of Providence plantations, preſident.

Hon. Sirs, Since my letter, it comes into my heart to pray your leave to add a word as to myſelfe, viz. At my laſt returne from England I preſented your then honoured governor, Mr. Bellingham, with an order of the lords of the councell for my free taking ſhip or landing at your parts, unto which it pleaſed Mr. Bellingham to ſend me his aſſent in writing, I humbly crave the recording of it by yourſelves, leaſt forgetfullnes hereafter againe put me upon ſuch diſtreſſes as, God knows, I ſuffered when I laſt paſt through your colonie to our native country.

COPY *of a Letter from* PROVIDENCE *Plantations to the General Court of the* MASSACHUSETTS.

[Hutchinſon's Original Papers.]

Providence, 12. 3. 56. *(ſo called.)*

MAY it pleaſe this much honoured aſſembly to remember that, as an officer and in the name of Providence Colonie, I preſented you with our humble requeſts before winter, unto which not receaving anſwer I addreſſed myſelfe this ſpring to your much honoured Governor, who was pleaſed to adviſe our ſending of ſome of Providence to your aſſembly.

Honoured Sirs, our firſt requeſt (in ſhort) was and is, for your favourable conſideration of the long and lamentable condition of the town of Warwick, which hath been thus. They are ſo dangerouſly and ſo vexatiouſly intermingled with the Barbarians, that I have long admired the wonderful power of God in reſtraining and preventing very great fires, of mutuall ſlaughters, breaking forth betweene them.

Your wiſdomes know the inhumane inſultations of theſe wild creatures, and you may be pleaſed alſo to imagine, that they have not bene ſparing of your name as the

patron

patron of all their wickednes againſt our Engliſh men, women and children, and cattle to the yearely damage of 60, 80 and 100*l.*

The remedie is (under God) only your pleaſure that Pumham ſhall come to an agreement with the towne or colonie, and that ſome convenient way and time be ſet for their removall.

And that your wiſdomes may ſee juſt grounds for ſuch your willingneſs, be pleaſed to be informed of a realitie of a ſolemn covenant betweene this town of Warwick and Pumham, unto which, notwithſtanding that he pleads his being drawne to it by the awe of his ſuperiour Sachims, yet I humbly offer that what was done was according to the law and tenour of the natives (I take it) in all New England and America, viz. that the inferior Sachims and ſubjects ſhall plant and remove at the pleaſure of the higheſt and ſupreme Sachims, and I humbly conceave that it pleaſeth the Moſt High and only Wiſe to make uſe of ſuch a bond of authoritie over them, without which they could not long ſubſiſt in humane ſocieties, in this wild condition wherein they are.

2. Pleaſe you not to be inſenſible of the ſlipperie and dangerous condition of this their intermingled cohabitation. I am humbly confident, that all the Engliſh towns and plantations in all New England put together ſuffer not ſuch moleſtation from the natives as this one towne and people. It is ſo great and ſo oppreſſive that I have dayly feared the tidings of ſome publicke fire and miſchief.

3. Be pleaſed to review this copie from the lord admirall and that this Engliſh towne of Warwick ſhould proceede, alſo that if any of yours were there planted they ſhould by your authoritie be removed. And we humbly conceave that if the Engliſh (whoſe removes are difficult and chargeable) how much more theſe wild ones, who remove with little more trouble and damage than the wild beaſts of the wildernes.

4. Pleaſe you to be informed that this ſmall neck (wherein they keepe and mingle fields with the Engliſh) is a very den of wickednes, where they not only practice the horrid barbariſms of all kinds of whoredoms, idolatries and conjurations, but living without all exerciſe of actual authoritie, and getting ſtore of liquors (to our griefe) there is a confluence and rendezvous of all the wildeſt and moſt licentious natives and practices of the whole country.

5. Beſide ſatisfaction to Pumham and the former inhabitants of this neck, there is a competitour who muſt alſo be ſatisfied, another Sachim, one Nawwaſhawſuck, who (living with Ouſamaquin) layes claim to this place, and are at dayly fewd with Pumham (to my knowledge) about the title and lordſhip of it. Hoſtilitie is daily threatened.

Our ſecond requeſt concerns 2 or 3 Engliſh families at Pawtuxet who, before our charter, ſubjected themſelves unto your juriſdiction. It is true, there are many

grievances

grievances betweene many of the towne of Providence and them, and theſe I humbly conceave may beſt be ordered to be compoſed by reference.

But (2) we have formerly made our addreſſes and now doe for your prudent removall of this great and long obſtruction to all due order and regular proceedings among us, viz. the refuſall of theſe families (pretending your name) to conforme with us unto his highnes authoritie among us.

3. Your wiſedomes experimentally know how apt men are to ſtumble at ſuch an exemption from all duties and ſervices, from all rates and charges either with yourſelves or us.

4. This obſtruction is ſo great and conſtant, that (without your prudent removall of it) it is impoſſible that either his Highnes or yourſelves can expect ſuch ſatisfaction and obſervance from us as we deſire to render.

Laſtly, as before, we promiſed ſatisfaction to the natives at Warwick (and ſhall all poſſible ways endeavour their content) ſo we humbly offer as to theſe our countrymen, Firſt, as to grievances depending, that references may ſettle them. 2dly, For the future, the way will be open for their enjoyment of votes and privileges of chooſing or being choſen to any office in towne or colonie.

Our third requeſt is for your favourable leave to us to buy of your merchants fower or more barrells of powder yearely, with ſome convenient proportion of artillerie conſidering our hazardous frontier ſituation to theſe Barbarians, who from their abundant ſupply of armes from the Dutch (and perfidious Engliſh all the land over) are full of our artillerie, which hath rendered them exceedingly inſolent, provoking and threatening, eſpecially the inlanders which have their ſupply from the fort of Aurania. We have bene eſteemed by ſome of you as your thornie hedge on this ſide of you: If ſo, yet an hedge to be maintained: If as out ſentinells, yet not to be diſcouraged. And if there be a jealouſie of the ill uſe of ſuch a favour, pleaſe you to be aſſured that a credible perſon in each towne ſhall have the diſpoſe and managing of ſuch ſupplies according to the true intent and purpoſe.

For the obtaining of theſe our juſt and neceſſary petitions we have no inducement or hope from ourſelves: only we pray you to remember that the matters prayed are no way diſhonourable to yourſelves and we humbly conceave do greatly promote the honour and pleaſure of his highnes, yea of the Moſt High alſo, and laſtly, ſuch kindneſſes will be obligations on us to ſtudie to declare ourſelves upon all occaſions,

Your moſt humble and faithfull ſervants,

ROGER WILLIAMS, Preſident.
In the name and by the appointment of Providence Colony.

Honoured

Honoured Gentlemen,

I pray your patience to one word relating to myſelfe only. Whereas, upon an order from the Lords of his Highnes Councell, for my future ſecuritie in taking ſhip and landing in your ports, it pleaſed your honoured then Governor Mr. Bellingham to obey that order under his owne hand. I now pray the confirmation of it from one word of this honoured court aſſembled.

COPY *of a Letter from Mr.* ROGER WILLIAMS *to the General Court.*

[Hutchinſon's Original Papers.]

Boſton 17. 3. 56. *(ſo called.)*

May it pleaſe this much honoured Aſſembly,

I Do humbly hope that your owne breaſts and the publicke ſhall reap the fruit of your gentlenes and patience in theſe barbarous tranſactions, and I do cordially promiſe for myſelfe (and all I can perſwade with) to ſtudie gratitude and faythfulnes to your ſervice. I have debated with Pumham (and ſome of the natives helping with me) who ſhewed him the vexatious life he lives in, your great reſpect and care toward him, by which he may abundantly mende himſelfe and be united in ſome convenience unto their neighbourhood and your ſervice: But I humbly conceave in his caſe that *dies et quies ſanant hominem*, and he muſt have ſome longer breathing for he tells me that the appearance of this competitour Nawwuſhawſuck had ſtabd him: May you therefore pleaſe to grant him and me ſome longer time of conference, either until your next generall aſſembling, or longer at your pleaſures.

My other requeſts I ſhall not be importune to preſſe on your great affaires; but ſhall make my addreſſe unto your ſecretarie to receave by him your pleaſure.

Honoured Gentlemen,

Your humble and thankfull ſervant,

R. W.

TRA-

TRADUCTION *informe de la conceſſion faite par Cromwel aux ſieurs Charles de Sainct-Étienne, qualifié Baron d'Écoſſe, Crowne et Temple, du 9 août* 1656.

[Memoires de L'Amerique, Tom. II. P. 511.]

OLIVIER, Seigneur, Protecteur de la République d'Angleterre, d'E'coſſe et d'Irlande des dominations en dépendans : A tous ceux qui ces préſentes verront, Salut. Sachez que nous, et par l'avis de notre Conſeil, dans la pourſuite de certains articles accordes in date du 16.e jour de juillet dernier, avant la date des préſentes, faite entre nous, d'une part, et le ſeigneur Charles de Saint-E'tienne, ſieur de la Tour, baron d'E'coſſe, Thomas Temple et Guillaume Crowne, Chevaliers, d'autre part ; et pour diverſes autres cauſes et conſidérations, Nous inſiſtant à ce faire de notre ſpéciale grace et certaine ſcience et pure volonté, avons donné et octroyé par ces préſentes, pour nous et nos ſucceſſeurs, donnons et octroyons auxdits ſieurs Charles de Saint-E'tienne ſieur de la Tour, Thomas Temple et Guillaume Crowne, tous et chacun les terres et héritages dans l'Amerique, ci-après déclarés et limités ; ſavoir, LE PAYS ET TERRITOIRE appelé L'ACADIE, ET PARTIE DU PAYS nommé la NOUVELLE E'COSSE, depuis Merligueſche du côté de l'eſt, juſqu'au port & cap de la Hève, rangeant les côtes de la mer juſqu'au cap de Sable, et de la, juſqu'à un certain port appelé le port la Tour, & à préſent nommé le port l'Eſmeron ; et de là, rangeant les côtes et iſles juſqu' au cap Fourchu ; et de là juſqu' au cap et rivière Saint-Marie, rangeant les côtes de la mer juſqu'au Port Royal ; et de là, rangeant les côtes juſqu'au fond de la Baie ; et de là, rangeant ladite Baie juſqu'au fort Saint Jean ; & de là, rangeant toute la côte juſqu'à Pentagoet et rivière Saint-George dans Meſcourus, ſitué ſur les confins de la Nouvelle Angleterre du côté de l'oueſt et en dedans les terres tout le long deſdites côtes juſqu'à cent lieues de profondeur, et plus avant, juſqu'à la première habitation faite par les Flamans ou Francois, ou par les Anglois de le Nouvelle Angleterre : et toutes et chacunes les terres, iſles, mers et rivières, lacs, forts, et fortreſſes, bois et taillis, et tous lieux de pêcherie, et tout ce qui eſt juriſdiction de l'Amirauté dans ladite étendue et toute autre ſemblable ; comme auſſi juriſdiction royale, priviléges franchiſes et libertés dans leſdites limites, et l'eſpace de treize lieues au dedans de la mer le long deſdites côtes ſuſdites, confinant à la colonie de la baie de Maſſachuſet en la Nouvelle Angleterre, ou quelqu'autre colonie ou habitation dudit pays de la Nouvelle Angleterre, conformément à ce qu'elles ſont à préſent, ou ſeront formées ci-

aprés,

aprés, comme il ſe juſtifiera leur avoir été octroyé par quelques lettres patentes ; et tous les forts, maiſons, bâtimens et autres conſtructions en dependans, et tous les fruits et profits, avantages et émolumens, leſquels de temps en temps en échoiront et proviendront dudit pays, territoires, terres, iſles, mers, rivières, lacs et autres choſes en dépendant, excepté néanmoins ce qui eſt hors de la préſente conceſſion ; toûjours excepté et reſervé toutes les terres et territoires dans leſdites limites, qui pourront avoir été ci-devant concédés et octroyés à quelqu'autre, en cas qu'il s'en trouve avoir été concédé à quelqu'autre colonie ou habitans en la Nouvelle Angleterre, leſquels nous exceptons, tant pour nous que pour nos ſucceſſeurs, et réſervons ; comme auſſi toutes mines et miniéres qui ſont dans ladite terre ou deſſus, déjà trouvées ou qui ſe pourront trouver ci-après, ou partie d'icelles déjà connues ou à connôitre, et tout ce qui peut croître et accroître en tout ou partie ; d'avoir et tenir en tout ou partie dudit pays, territoires, forts, maiſons, bâtimens et autres conſtructions, toutes et chacune généralement quelconque par celles-ci octroyées et mentionées ; excepté ce que nous avons déjà ci-deſſus excepté, audit Charles de Saint-E'tienne, ſieur de la Tour, Thomas Temple et Guillaume Crowne, leurs hérétiers et ſucceſſeurs pour toujours, rendant pour cela tous les ans à nous et à nos ſucceſſeurs vingt peaux de caſtor, et vingt peaux deſouret le vingt-neuvième de ſeptembre annuellement, qui commencera dans l'an de notre Seigneur 1657. Et notre volonté et plaſir eſt, par celle-ci que nous octroyons pour nous et nos ſucceſſeurs, audit Saint-E'tienne, Temple et Crowne, leurs héritiers et ſucceſſeurs, leſquels pourront de temps en temps, et en tout temps ci-après, depuis et après la date de nos préſentes lettres patentes, jouir à leur propre uſage des fruits et profits, avantages et émolumens, qui échoiront ou pourront échoir audit pays, terres et territoires, iſles, mers, rivières, lacs, et autres généralement quelconques ci-deſſus nommés ; et à cette fin que ledit de Saint-E'tienne, Temple et Crowne, leurs héritiers et ſucceſſeurs puiſſent avoir et prendre le profit ; Nous entendons par cette notre préſente conceſſion, de notre plus grand grace et pure volonté, et de l'avis de notre Conſeil ſuſdit, commandons et défendons pour nous et nos ſucceſſeurs, étroitement à toutes et chacunes les perſonnes ou perſonne de quelque état, qualitié et condition qu'ils ſoient ou puiſſent être, que lui ou eux ou quelques-uns d'eux ne puiſſent traiter ou s'admettre de traiter et négocier avec les Natifs, ou autres qui y demeurent et négocient avec les Sauvages dans ledit pays, territoire et limites de ladite conceſſion ſans le congé et conſentement deſdits Saint-E'tienne, Temple et Crowne, leurs héritiers et ſucceſſeurs, et ſans avoir au préalable leur conſentement par écrit de leur main ; et en cas que quelque perſonne ou perſonnes entreprennent de traiter ou trafiquer dans ladite conceſſion et limites ſuſdites, ou en quelque endroit d'icelles ſans leur conſentement ſuſdit, il ſera réputé de bonne et loyale priſe par leſdits Saint-E'tienne, Temple et Crowne, leurs héritiers et ſucceſſeurs, commis ou députés à cet effet ; permettons de faire ſaiſir tous navires,

barques ou bateaux qui ſeront trouvés traitant avec les Natifs, comme dit eſt ci-deſſus, ou qui ſeront trouvés traitant ou venant traiter avec eux et pareillement tout ce qui y ſera ou pourra être de bonne et loyale priſe, pour et au profits deſdits de Saint-E'tienne, Temple et Crowne, leurs héritiers et ſucceſſeurs ; et a cet effet pourront auſſi ſaiſir toutes les marchandiſes que leſdits navires barques ou bateaux apporteront pour traiter, ou marchandiſes déjà traitées ; et leſdits navires, barques, bateaux et marchandiſes, ainſi par eux, leurs héritiers ou ſucceſſeurs ſaiſis comme dit eſt, être convertis à leur propre uſage et profit ; ſans être obligés d'en rendre compte, ni que leſdits de Saint-E'tienne, Temple et Crowne, leurs héritiers ou ſucceſſeurs, députés ou ſerviteurs, ſoient tenus en rendre compte devant aucuns de la Nouvelle Angleterre, ou dans aucune autre de nos dominations ou de celles de nos ſucceſſeurs, pour raiſons de ſemblables priſes faites par eux ou aucuns d'eux, de temps en temps, et en tout temps ; néanmoins leſdits Charles de Saint-E'tienne ſieur de la Tour, Thomas Temple et Guillaume Crowne, pour eux et chacun d'eux, héritiers ou ſucceſſeurs, ont promis et accordé, accordent et promettent à nous et nos ſucceſſeurs, par ces préſentes, qu'eux ou chacun d'eux ne feront ni ne voudront ordonner, conſtituer, députer ou faire aucuns Gouverneur ou Gouverneurs de quelques garniſons, forts ou fortereſſes déjà faits, érigés ou qui ſe feront ou érigeront dans ledit pays et territoires de ladite conceſſion ſuſdite, autre que telle perſonne ou perſonnes qui nous ſeront et à nos ſucceſſeurs préſentes, et par nous agréés et approuvés ; lequel Gouverneur ou Gouverneurs qui ſeront ainſi par nous agréés, ne prendront pas ſur eux la charge du commandement de la garniſon, forts ou fortereſſes, ſans avoir reçû de nous notre commiſſion ou proviſion ſous le ſeing privé et cachet ou grand ſceau d'Angleterre, ſi ce n'eſt en cas de mort ; en ce cas nous donnons et octroyons par celle-ci, pour nous et nos ſucceſſeurs auxdits ſieurs de Saint-E'tienne, Temple et Crowne, leurs héritiers ou ſucceſſeurs, qu'en cas d'accident de mort au Gouverneur qui y ſera conſtitué, comme dit eſt, que pour lors, pour éviter mutinerie ou autre inconvénient qui pourront arriver par le manquement d'un Gouverneur, il ſera et pourra être loiſible auxdits ſieurs de Saint-E'tienne, Temple et Crowne, leurs héritiers et ſucceſſeurs, de nommer, ordonner et appointer une autre perſonne ſuffiſante et capable d'un emploi militaire, et de le charger du pouvoir et commandement de ladite garniſon, forts et fortereſſes, à condition néanmoins que leſdits de Saint-E'tienne, Temple et Crowne feront agréer et approuver de nous ou nos ſucceſſeurs, celui qu'ils auront établi, dans douze mois après qu'ils l'auront inſtitué ; et ou il ne nous ſeroit pas agréable ; de recevoir celui ou ceux qui ſeront par nous ou nos ſucceſſeurs nommés, députés ou envoyés en vertu de notre ſuſdite commiſſion: Et par celle-ci nous voulons et requérons pour nous et nos ſucceſſeurs, étroitement commandons que les Gouverneurs qui ſeront nommés de temps en temps, comme il eſt dit, ne puiſſent, ni aucuns Officiers ou ſoldats ſous leur

leur commandement, traiter ni négocier ni s'entremettre de faire commerce ou trafic dans l'etendue de ladite conceſſion, ſans la permiſſion et conſentement par écrit de la main et cachet deſdits Saint-E'tienne, Temple et Crowne, leurs héritiers ou ſucceſſeurs, ſous peine de confiſcation et du triple de la valeur de leurs marchandiſes, et autres effets pour leſquels ils s'entremettront ou entreprendont, au profit deſdits de Saint-E'tienne, Temple et Crowne, leurs héritiers ou ſucceſſeurs ; et encore ſous peine d'encourir, ſelon le cas, plus grande punition : Et notre volonté et plaiſir eſt que ledit ſieur Charles de Saint-E'tienne, Thomas Temple et Guillaume Crowne, pour eux et chacun d'eux, leurs héritiers et ſucceſſeurs, ont promis et promettent à nous et à nos ſucceſſeurs, par ces préſentes, qu'aucun ſoldat ne ſera ſouffert de demuerer dans aucuns deſdits forts, ni aucunes perſonnes d'habiter ou demeurer dans le pays ſpécifié par ces préſentes, que ceux qui ſont et ſeront de la Religion proteſtante, & ſe ſoûmettront au gouvernement établi en cette République ; et feront pareillement tenus de nous ſervir et nos ſucceſſeurs, en tous les commandemens qui leur ſeront donnés et faits de notre parte ; et leſdits ſieurs de Saint- E'tienne, Temple et Crowne, leurs héritiers et ſucceſſeurs, feront ſavoir à nous et à nos ſucceſſeurs ou aux Seigneurs de notre Conſeil privé, toutes les mines et minéraux qui ſeront trouvés et découverts dans ladite conceſſion, par un avis ample et prompt, lorſqu'ils les auront trouvés et découverts, afin que tout ordre et direction ſe puiſſent donner à cet effet, comme nous et nos ſucceſſeurs ou notre Conſeil l'ordonneront ; et pour y mieux encourager leſdits ſieur de Saint-E'tienne, Temple et Crowne, leurs héritiers et ſucceſſeurs, nous leur octroyons pour nous et nos ſucceſſeurs, et chacun d'eux, de temps en temps, et en tout temps, d'être dorénavant exempts et déchargés, de tous droits et impoſitions de toutes ſortes de marchandiſes dans ledit pays et territoire ſuſdits, comme pays franc et libre, autant qu'aucunes colonies peuvent l'être, nonobſtant quelques priviélges ou autres uſages que ce puiſſe être. Ainſi eſt notre volonté et plaiſir ; et en témoignage de tout ce que deſſus, nous avons fait faire ces préſentes lettres patentes, où nous avons été préſens. A Weſtminſter, le neuviéme jour d'août mil ſix cent cinquante-ſix.

Nous E'cuyer, Conſeiller du Roi honoraire en la Cour des comptes, aides et finances de Rouen, premier Commis et Garde des archives et dépôt de la Marine, certifions la copie ci- deſſus véritable, l'ayant collationnée ſur les regiſtres et papiers qui ſont auxdits archives et dépôt. A Paris, le ſept Octobre mil ſept cent cinquante-un.

412 Signé LAFFILARD.

Mr. R. BENNET *and Mr.* MATTHEW *to Secretary* THURLOW.

[Thurloe's State Papers, Vol. V. Page, 482.]

SIR,

SINCE our laſt application to your honour, we hear that the committee of trade have delivered in their report to his highneſs; but you may be pleaſed to take notice that nothing is either ſaid or done by them concerning the Virginia petition, which relates very materially to the buſineſs of Maryland, eſpecially in that particular of the bounds by them claimed. And whereas ſomething is offered by the committee, as the agreement of the lord Baltimore and us, it is true, that upon a motion of the committee ſomething was propoſed by us, and anſwered by him to that purpoſe, that if his highneſs ſhould think fit to re-eſtabliſh the lord Baltimore in the government, and to iſſue out all writs and proceſſes in his own name, that then ſome proviſion to be made for the indemnity of the people there in relation to the reducement, that ſo the lives and eſtates of his highneſs's good ſubjects might not be left to the mercy of the lord Baltimore and his party there, merely for their ſubmiſſion and engagement to the Parliament and to his highneſs.

But we humbly conceive and hope, that there is and will appear to be ſo much of reaſon and juſtice, and ſo much of his highneſs's intereſt recited and expreſſed in the paper incloſed, that there will be ſufficient cauſe for his highneſs to diſpoſe of the government of Maryland (in caſe it belong not to Virginia) otherwiſe than to put it into the hands of ſuch a one, who, if once confirmed, will undoubtedly be as ready to ſlight and oppoſe the authority of his highneſs as ever he was to ſlight and oppoſe the authority of the parliament, which he hath manifeſtly and boldly done, and that with a very high hand.

Sir, your former propenſeneſs to take cognizance of this buſineſs makes us preſume thus to trouble you, and it being ſuch public concernment in relation to his highneſs's intereſt and the good of thoſe profitable plantations, and diſpatch of this long tedious diſpute, that ſo thoſe plantations may be ſettled under the preſent government, and that we may return to our relations and occaſions, from which we have been ſo long detained.

Your honour's moſt humble ſervants,

October the 10th, 1656.

SAMUEL MATHEW,

RICHARD BENNET.

OBJECTIONS

OBJECTIONS *againſt Lord* BALTIMORE'S *Patent, and Reaſons why the Government of* MARYLAND *ſhould not be put in his Hands, viz.*

[Thurloe's State Papers, Vol. V. Page 482. A. D. 1656.]

1. BY the Patent he was to have no land, but ſuch as was uncultivated and inhabited by Pagans only; but Maryland was inhabited, and part of it poſſeſſed and cultivated by the Engliſh in Virginia, viz.—the Iſle of Kent, and that long before the name of Maryland was ever heard of.

2. By the Patent it is provided, that he make laws with the advice and conſent of the Inhabitants and freemen; and by the practice of the lord Baltimore and his officers there, the people have no law but what he allows and conſents unto.

3. He is enjoined to make laws agreeable to the laws of England; but ſeveral of the laws made there were different from and diſagreeable to the laws here, as appears by the report of the committee of the navy.

4. By the patent it is provided, that no conſtruction be made thereof, whereby God's holy and truly Chriſtian Religion, or the heirs and ſucceſſors of the Crown of England ſhould receive any prejudice or diminution.

As to religion, the Governor and all thoſe of the council in Maryland are bound by oath to defend and maintain the Roman Catholic religion in the free exerciſe thereof. And as to the heirs and ſucceſſors of the Crown of England, it ſeems they have nothing to do there; for when the late council of ſtate by authority of parliament required them to iſſue out writs in the name of the keepers of the liberty of England, and to put the laws of England in execution, they anſwered, they could not do it without breach of their truſt and oath to the lord Baltimore, in reference to his commiſſion from the late king; therein preferring the King's authority, which died with him, and lifting it up above that of the parliament, the only viſible power at that time in being.

5. Upon this occaſion the commiſſioners, in purſuance of their inſtructions from the late council of ſtate by the authority of parliament, in March 1652, took away the government from my lord Baltimore and his officers there, and did actually reduce and ſettle the Province of Maryland in the hands of the parliament, according to an act of parliament of the 3d of October 1650; and then in 1654, upon their revolt, it was again reduced and ſettled in the name and under the authority of his highneſs the lord protector, and confirmed by a full and free aſſembly of that province October, 1654.

6. The

6. The Government there being now no more in the Lord Baltimore, but in the Parliament firſt, and then in the hands of his highneſs, and the acting of the commiſſioners therein being owned and approved by the late council of ſtate, and alſo by his highneſs in his letter of the 8th of October, 1655, to the governor of Virginia; the ſaid lord Baltimore, in oppoſition and contempt of the Supreme authority of this nation, by his inſtructions cauſed captain Stone and others, to the number of 200 or thereabouts, to riſe up in arms againſt the government ſo ſettled there aforeſaid; which ſaid captain Stone, and all the reſt, after they had committed many and great outrages, in diſarming, plundering, and impriſoning thoſe that adhere to his highneſs's government, and to their engagement and duty in that behalf, were in a field battle overcome, ſome ſlain, and all the reſt taken priſoners. And ſo the ſaid lord Baltimore chooſing rather to adventure his title that way, than to wait the determination of the Supreme authority here, loſt it upon that account as well as by the reducement; in both which reſpects the government of that province is now in his highneſs the lord protector's diſpoſal.

And it is humbly conceived, that his highneſs will not think fit to re-eſtabliſh the lord Baltimore in ſuch an abſolute and unlimited power as he pretends there, for the conſiderations, and for theſe further reaſons, viz.

1. In reſpect of the diſſatisfaction and malignancy of the ſaid lord Baltimore and his governors from time to time againſt the parliament and their intereſt; namely, ſeveral commiſſions gotten from the king at Oxford, taking captain Ingle's ſhip, and tampering with the ſeamen, to carry her for Briſtol, which was then in the King's hands, proclaiming Charles II, &c.

2. In reſpect of the many petitions and complaints of the inhabitants of Virginia and Maryland againſt a popiſh monarchical government, ſo contrary unto, and ſo inconſiſtent with his highneſs's intereſt and the liberty and freedom of his ſubjects; it being alſo contrary to the known laws of this land, and particularly of the inſtrument or platform of government.

3. In order to the peace and the common good of thoſe plantations, which mainly conſiſt in uniting and keeping them under one government; whereby diſſentions, quarrels, and cutting of throats, likely continually to ariſe between ſuch near neighbouring plantations, will be prevented, his highneſs's authority and intereſt eſtabliſhed, trade encouraged, the exceſſive planting of tobacco reſtrained, ſo making way for more ſtaple commodities, as ſilk, &c. to be raiſed; the running away of delinquents and perſons indebted from one place to another taken off, and the whole ſtrength * the common enemy the Indian, or any other enemy, the more readily conjoined

* This Mark is found in the printed Copy from which this is taken; perhaps the Word *againſt* many be wanting here.

conjoined upon all occaſions; beſides that old, great, ſad complaint of ſeducing of poor ignorant Proteſtants, and Papiſts to bear rule over the freeborn ſubjects of this nation, will be likely hereby in ſome meaſure to be taken off, and yet thoſe of the popiſh perſuaſion not debarred of any lawful liberty and freedom, either in relation to civil things, or the exerciſe of their conſcience.

RIC. BENNET.

SAMUEL MATHEW.

A PAPER *relating to* MARYLAND.

[Thurloe's State Papers, Vol. V. Page 483. A. D. 1656.]

As to thoſe ſpecious pretences of the lord Baltimore of a proteſtant government being always well affected to the parliament, ſo much money expended upon that plantation.

WE humbly conceive, that the contrary hath been ſhowed and proved in divers and ſundry particulars; but if it were ſo, yet it being before the reducement, and the conſequences thereof as to Government (which is that only wherein we are concerned) it belongs not to the matter in hand. For thoſe objections againſt the report of the committee of the navy, we ſay, that the ſame was fully agreed on, and ordered by the committee; that it was accordingly read before the council of State the 26th of November, 1653, by them approved and appointed to be drawn up for the parliament, which was accordingly done, as hath been proved by Mr. Blackburne, and is ready to be further ſatisfied by col. Mathews and Mr. Wakeman, who were preſent at all the paſſages thereof.

To that of the lord Baltimore's patent from the king there are theſe objections; viz. 1. That the ſame is ſurreptitious, king James having paſſed the ſame by patent to the adventurers and planters of Virginia, and they actually poſſeſſed of the Iſle of Kent long before, and the lord Baltimore's patent was only for uncultivated places, ſuch as were not inhabited by any but Pagans.

2. As being an exorbitant grant to give away ſo great a part of the dominions to a private perſon, and one that never brought in any thing of profit at all, or not conſiderable, to the revenue here, by cuſtom, exciſe, or any other way, eſpecially ſince the change of government.

3. As being contrary to law to put the ſubjects of this commonwealth under the abſolute

abſolute and perpetual authority of a ſubject, and ſuch a one, who as a papiſt is not capable of any office or authority relating to government.

4. In reſpect of the mal-adminiſtration and exerciſe of the power there in nine ſeveral particulars, expreſſed in the report of the committe of the navy, to which we ſhall add theſe two; viz.

1. Here is a power of making laws with the conſent of the Inhabitants and freemen of the ſaid province; but this liberty hath been denied the people, and the lower houſe (as he calls it) cut ſhort of that power and privilege, and the people in danger of ſevere puniſhment for addreſſing their petitions and complaints to the ſupreme authority here proved by his own letters and their petitions, which have been produced. 2. Another clauſe in his patent is that no conſtruction be made thereof, whereby God's holy and true Chriſtian Religion, or the heirs and ſucceſſors of the crown of England ſhall receive any prejudice or diminution. As for the holy and truly Chriſtian Religion, if the Romiſh be it, that's indeed ſtrongly provided for by the laws and officers oaths; and for the heirs and ſucceſſors of the king, which undoubtedly muſt be the parliament and his highneſs the Lord Protector, what place their commands have taken in Maryland, and how their authority and thoſe that declare themſelves for it, have ſped from time to time, is evident by that of capt. Ingle, the proceedings of the parliament's commiſſioners in that place, and the people's petitions.

5. And laſtly, in reſpect of the parliament's ordinance of the 3d of October, 1650, by which all foreign plantations, as well as the reſt of the three nations, were to be brought in and ſettled under the ſubjection and obedience of this commonwealth, and the preſent government thereof, notwithſtanding any letters patents to the contrary; and Maryland was accordingly taken in, and the parliament actually poſſeſſed thereof by virtue of the ſaid ordinance, as by an order of the parliament's commiſſioners, dated at St. Mary's in Maryland the 29th of March, 1652, renewed under his highneſs the Lord protector, by an order to that purpoſe, dated at Patuxent in Maryland, the 22d of July, 1654, and ſettled under his highneſs's authority by a free and full aſſembly of that province the 20th of October, 1654.

Concerning the lord Baltimore's *being at* Oxford *and* Briſtol *with the king, and his excuſe thereof to recover a debt.*

It hath been ſhewed and proved, that his work was to engage againſt the parliament, procuring a commiſſion tending to the ruin of their Intereſt, and of all thoſe that were well affected, their ſhips, goods, debts, money, &c. the one half whereof the lord Baltimore was to have for his great charges expended in that ſervice; his brother, who was then governor of Maryland, the other half; by which it ſeems

Maryland

Maryland was not always well affected to the parliament, as is alledged; beſides another commiſſion procured and contracted for by the lord Baltimore himſelf, in his own name,-concerning the cuſtoms in Virginia, which he was to receive under the king; but how many that never acted any thing in thoſe places, were nevertheleſs ſequeſtered and proceeded againſt as malignants. Whereas, it is ſaid, that the committee for petitions in the time of the little parliament rejected the petition of col. Mathews concerning the lord Baltimore, it is not ſo; they were ſo far from ſlighting the ſame, that they looked upon it as too high for them, and therefore ordered the Buſineſs to be tranſmitted back again to the council of ſtate, as more proper for their conſideration, as by their order may appear.

Whereas the lord Baltimore alledges, that the council of ſtate did not intend the reducing of Maryland, that the word Maryland was ſtruck out of the commiſſions and inſtructions after it had been put in; and therefore the commiſſioners turned out his officers, and took away the government in Maryland without any lawful authority for their ſo doing; we ſay,

That the parliament did intend the reducing of all iſlands and plantations, not withſtanding any letters patents to the contrary, appears by the ordinance, concerning Bermudas, Virginia, and Antigua, which hath been produced; and that all accordingly have been reduced, and are under the obedience and authority of this commonwealth is apparent. And though it be not our work or duty to queſtion or to diſpute the parliament's intention, but to obey their commands, which we humbly conceive we have, yet that the council of ſtate did intend the reducing of Maryland we conceive has been ſhewed and fully proved thus; viz.

1. Becauſe they well knew it was within the bay of Cheſapiack.

2. That they having received an account thereof from the commiſſioners, approved of what they had done, by ſending over the ſame inſtructions under the ſeal the next year.

3. In the report drawn up for the parliament they plainly and expreſsly ſay the commiſſions were ſent to Maryland.

4. His highneſs in his letter of the 8th of October laſt declares his pleaſure, that no obſtructions be made to what has been acted concerning the civil government in Maryland by the commiſſioners of the late council of ſtate, in purſuance of their inſtructions. But if the parliament and council of ſtate did indeed decline the reducing of Maryland, and ſeveral times expreſs themſelves to that purpoſe, as hath been often alledged; if they had been ſo clear in that particular, as hath been ſaid, why then did they not declare themſelves ſo? a line or two to that purpoſe in three years time ſurely might eaſily have been procured, which would have taken off further proceedings, nulled what had formerly paſſed, and prevented all the many and dangerous diſturbances, miſchiefs, and blood-ſhed, which hath been occaſioned by lord

Baltimore's lifting up his own authority and particular intereſt, derived from the king, in oppoſition and defiance of the authority and intereſt of the parliament, and his highneſs the lord protector.

That it might be argued and diſputed concerning the word Maryland, putting in and putting out, as is uſual in ſuch caſes, is very likely; but the commiſſion and inſtructions, it ſeems, were at leaſt drawn up thus, and came ſo to the commiſſioners, who lived in Virginia, viz. You ſhall ſee the engagement tendered, cauſe all writs and proceſſes to iſſue forth in the name of the keepers, &c. and put the laws of England in execution: and this to be done in all the plantations in the Bay of Cheſapiake.

That the commiſſioners appointed for carrying on that ſervice, as it doth not appear they expected or demanded more than what the parliament required, ſo they could do no leſs, the command being ſo poſitive, and the expreſſion ſo plain and clear.

That the ſaid commiſſioners coming to Maryland with the ſaid commiſſion and inſtructions, capt. Stone, governor under the lord Baltimore and his council, denied and refuſed to ſubmit and to yield obedience to that authority, alledging the king's grant to the lord Baltimore, and their oaths to him, as by their letter of the 29th of March, 1652.

Now beſides all other former demonſtrations and expreſſions of their diſaffection and diſobedience in divers particulars proved, viz. taking capt. Ingle's ſhip, proclaiming Charles II. practiſing with the king at Oxford and Briſtol againſt the parliament, &c. whether this only, their refuſal to comply, were not a plain denial of the parliament's power, and preferring the king's before it, and conſequently a full and ſufficient occaſion and ground, according to the inſtructions, for the commiſſioners to take away the government, being alſo ſo ill managed and ſo much complained of by many, yea, moſt of the people, and to put it into ſuch hands as would own the parliament, and act according to their commands.

Hereupon the government being now taken away from the lord Baltimore, and ſettled in the hands of the parliament firſt, 1652; and then of his highneſs, 1654; capt. Stone and the reſt having taken the engagement, and being thereby bound to be true and faithful to the commonwealth, as now eſtabliſhed, and nothing appearing firſt or laſt from the ſupreme authority here to diſengage him or any other there; how then could capt. Stone introduce the lord Baltimore's authoriry, as he did, and publiſh a proclamation in his name, 1653, enjoining all within three months to take an oath to maintain his power, dominion, &c. upon the penalty and forfeiture of their lands, which were to be entered upon and ſeized upon to his uſe? and how could the people take the ſame, being ſo inconſiſtent with, ſo contrary to their oath to the parliament, under whoſe authority they then actually were? and

then

then whether thoſe who kept to their engagement, and declared themſelves for that againſt all other authority whatſoever, or elſe thoſe, who falſely and perfidiouſly revolted from it, and deſerted their duty and the truſt committed to them, be in an error, and are juſtly to be blamed? Concerning the late inſurrection and blood ſpilt on the 25th of March, 1655, it appears, and hath been proved, that capt. Stone being reproved by the lord Baltimore for reſigning without ſtriking a ſtroke, having ſo many men in arms, and the commiſſion given to capt. Barber to reduce the people to the lord Baltimore, in caſe capt. Stone would not, the ſaid capt. Stone was hereby ſtirred and induced to attempt the ſaid inſurrection and rebellion; in proſecution whereof, he the ſaid capt. William Stone did levy war, and to that end forced his highneſs's ſubjects to take arms one againſt another, ſeized the records of the province, armed Papiſts and others, plundered, diſarmed, and impriſoned all thoſe that refuſed to join with him, chaſed capt. Gookins's Veſſel, and fired ſeveral guns at her, broke into their houſes in the night, ſo terrifying and affrighting the people, that many of them left their houſes, and took to the woods for ſafety; threatened to fire the ſhip Golden Lyon, and to take away the lives of the chief in authority, who declared themſelves for his highneſs's government according to their engagement and duty; this being acted in ſuch a time, when the country was in peace and in a quiet ſettled condition, and carried on ſo fiercely, barbarouſly, and bloodily, refuſing all offers of accomodation and meſſages to that purpoſe; ſhooting ſeveral guns at Mr. Richard Gott, railing at and reviling the people, calling them roundheads, rogues, dogs, &c. ſetting up the lord Baltimore's colours againſt the colours of the commonwealth, firing upon capt. Fuller and his party ſeveral guns without any parley, and killing Mr. William Ayres before any ſhot made on that ſide.

Laſtly, that capt. William Fuller, &c. the country being in ſuch a ſad, diſtreſſed, diſtracted condition, and ſo deeply and deſperately engaged, endangered, and likely to be ruined, through ſuch a wicked and bloody inſurrection and rebellion, having uſed all means that in them lay for the ſtopping thereof (the Indians alſo attending their motion, and falling on at or about the ſame time) having a lawful power, and being authorized and required to provide for conſervation of the peace and adminiſtration of juſtice, and it being in his power, God having given thoſe bloody people into their hands, whether it were not a duty incumbent upon them to do ſomething in order to the peace of the country, by taking away ſome of the chief and moſt dangerous incendiaries, who otherwiſe were very likely to attempt the like another time; and in order to juſtice, that ſo many, who were found guilty of inſurrection, rebellion robbery, burglary, and murder, ſhould not all of them be ſuffered to eſcape, but ſome few of thoſe many and great delinquents ſhould ſuffer and be made examples. And for the manner of their proceedings by a council of war, being there in arms, and in a military poſture and condition, and being enabled by the commiſſioners in-

ſtructions from the council of ſtate to raiſe an army, and uſe all acts of hoſtility to enforce obedience and conformity, there being no indifferent jury to be had, whether wiſe men and better lawyers, than can be ſuppoſed to be there, might not be likely to fall into ſuch an error, if it were an error, all things well weighed and conſidered.

A BREVIAT *of the Proceedings of the Lord* BALTIMORE *and his Officers and Compliers in* MARYLAND *againſt the Authority of the Parliament of the Commonwealth of* ENGLAND, *and againſt his Highneſs the Lord Protector's Authority, Laws, and Government.*

[Thurloe's State Papers, Vol. V. P. 486. A. D. 1656.]

THE province of Maryland, in that ſtate wherein it ſtood under the lord Baltimore's Government, had more need of reducing than any Engliſh plantation in America, for theſe reaſons, viz.

1. The covenant, laws, and platform of government eſtabliſhed in England, declare the ſuppreſſion and extirpation of popery, to which his highneſs oath tends; but the lord Baltimore's government declares and ſwears the upholding and countenancing thereof, both by the officers and people.

2. The lord Baltimore exerciſed an arbitrary and tyrannical government, undertook a princely juriſdiction, ſtiles himſelf abſolute lord and proprietor, conſtituted a privy council, moſt of papiſts, and the reſt ſworn thereto. This privy council muſt be the legiſlative power, that is to put in execution ſuch laws, the laws which the lord Baltimore himſelf makes and impoſeth; and he makes what laws he pleaſeth. The people are indeed called to aſſemblies, but have neither legiſlative power nor of judicature, that being appropriated to the privy council or upper-houſe, ſo that what is determined by them, admits of no reference or appeal.

3. The lord Baltimore's grants of land are made, to the end that the grantees might be the better enabled to do him and his heirs all acceptable Service, for the tenure is for all ſervice, to which they muſt all ſwear, before they have any grants, without any relation to, or mention of the ſupreme authority of England, either in this or any thing elſe that paſſeth there.

4. That the lord Baltimore iſſued Writs and all other proceſs whatſoever in his own name.

5. Charles Stewart, ſon to the late King, was in Maryland proclaimed king of England,

England, &c. againſt which no act, order, or proclamation hath been publiſhed by the lord Baltimore or his officers; for although Mr. Greene who made the ſaid proclamation, was put out of the Government, yet that action was not mentioned to be the cauſe, but other matters againſt the lord Baltimore.

6. That there was a notable practice and compliance of the lord Baltimore, and his party with the late king's party in Virginia, againſt the parliament and their Ships, the ſaid lord Baltimore having gotten commiſſion from the king at Oxford to ſeize and take the ſhips and goods of all ſuch as would not pay the cuſtoms there, which the lord Baltimore was to receive, and undertook to put in execution, but failed thereof through the country's non-compliance; which had it took effect as he deſigned, would have engaged the country in a war againſt the parliament, to the apparent ruin and deſtruction of that plantation, beſides the exceeding great damage and loſs to the ſtate here, in point of revenue by cuſtom, exciſe, &c. the hindering of trade and navigation, loſs of ſhips and goods to the merchants, and ſtrengthening of the king's party.

Since the reducement of the province under the obedience of the commonwealth of England:

1. That the lord Baltimore hath utterly diſowned and contradicted the ſaid reducement (though acted by commiſſion and inſtructions from the council of ſtate by authority of parliament, by the commiſſioners appointed, and the ſhips ſent over for that purpoſe) terming it rebellion againſt himſelf and his government there, ſcandalizing and abuſing the commiſſioners of the commonwealth of England with the opprobrious names of factious, ſeditious, malicious and rebellious perſons, that they ſhould ſtir up the people to ſedition and rebellion, and were the abettors thereof.

2. That the lord Baltimore hath from time to time inſtigated and animated his officers to oppoſe and act contrary to the ſaid reducement, as well by force of arms as otherwiſe, commanding them to apprehend the ſtate's commiſſioners and their complices, as rebels to him, and deal with them accordingly; requiring his officers to proceed in his own way of government, and to carry all in his name as before, notwithſtanding any thing done by the ſaid commiſſioners; and to undertake to juſtify them in ſuch their proceedings, and to bear them out in it.

3. The lord Baltimore in his laſt letter to capt. Stone doth blame him for reſigning up his government into the hands of the lord protector and commonwealth of England, without ſtriking one ſtroke; taxing him in effect with cowardice, that having ſo many men in arms, he would not oppoſe, ſaying, that Bennet and Claiborn durſt as well have been hanged, as have oppoſed him; or to that effect.

4. That in the laſt rebellion againſt his highneſs the lord protector and commonwealth of England, and the government eſtabliſhed in Maryland by their authority, the ſaid lord Baltimore and his officers have in high meaſure abuſed the name of

lord

lord protector, and under that notion have committed many notorious robberies and murders againſt peaceable and loyal ſubjects of the commonwealth of England and his highneſs the lord protector; and to this end raiſed men in arms, conferring honours upon baſe and bloody-minded people, as well Papiſts as others, and employed them in a violent and formidable manner in battle array, with lord Baltimore's colours diſplayed, to fight againſt the lord protector's Government and people, yea to ſhoot againſt his highneſs's colours, killing the enſign-bearer; by which means much blood hath been ſhed, many made widows and fatherleſs, and great damage, danger, and diſtreſs brought upon the whole province. The Indians likewiſe taking occaſion and advantage hereby to fall upon the frontier plantations, have killed two men, and taken ſome priſoners.

Before the alteration of the government here in England,

The lord Baltimore obtained a patent from the king for a tract of land in the Bay of Cheſapiak in Virginia, pretending the ſame to be unplanted; by this means takes away the lands from the Virginians, to whom the ſame of right belongs, and not only ſo, but takes away the trade with the nations which they had many years enjoyed; and not being able to manage the trade himſelf, left it to the Swedes and Dutch, who furniſhed the Indians with powder, ſhot, and guns, to the great damage and danger of thoſe plantations, and his highneſs's ſubjects; and further moſt unjuſtly and cruelly diſſeiſed capt. Claiborn and others of the iſland called Kent, though ſeated and peopled under the Virginian government three or four years before the king's grant to him; and not the land only, but the eſtates and lives too of ſuch as oppoſed him or his officers, hanging ſome, and killing others, who fought the preſervation of their rights and intereſts from popiſh violence. Such a beginning had that poor unhappy plantation, being founded upon the rights and labours of other men, and begun in bloodſhed, robbery, and all manner of cruelty.

MASSACHUSETTS *Law againſt Quakers.*

[Maſſachuſetts Records.]

October 14, 1656.

WHEREAS there is a curſed ſect of hereticks lately riſen up in the world which are commonly called quakers who take upon them to be immediately ſent of God and infallibly aſſiſted by the ſpirit to ſpeak and write blaſphemous opinions, deſpiſing government and the order of God in church and commonwealth, ſpeaking

ſpeaking evil of dignities, reproaching and reviling magiſtrates and miniſters, ſeeking to turn the people from the faith, and gain proſelytes to their pernicious ways; this court taking into ſerious conſideration the premiſes, and to prevent the like miſchief as by their means is wrought in our native land, doth hereby order, and by the authority of this court be it enacted and ordered, that what maſter or commander of any ſhip, bark, pinnace catch or of any other veſſell that ſhall henceforth bring into any harbour creek or cove within this juriſdiction any known quaker or quakers, or any other blaſphemous hereticks as aforeſaid, ſhall pay or cauſe to be paid the fine of one hundred pounds to the treaſurer of the county, except it appear that he wanted true knowledge or information of their being ſuch, and in that caſe he hath liberty to clear himſelf by his oath when ſufficient proof to the contrary is wanting, and for default of payment or good ſecurity for it ſhall be committed to priſon, and there to continue till the ſaid ſum be ſatisfied to the treaſurer as aforeſaid. And the commander of any ſuch ſhip or veſſell that ſhall bring them (being legally convicted) ſhall give in ſufficient ſecurity to the governour or any one or more of the magiſtrates who have power to determine the ſame, to carry them back to the place whence he brought them, and on his refuſal ſo to do, the governour or one or more of the magiſtrates are hereby impowered to iſſue out his or their warrants to commit ſuch maſter or commander to priſon there to continue till he ſhall give in ſufficient ſecurity to the content of the governour or any of the magiſtrates as aforeſaid. And it is hereby further ordered and enacted, that what quaker ſoever ſhall arrive in this country from foreign parts or come into this juriſdiction from any parts adjacent ſhall be forthwith committed to the houſe of correction, and at their entrance to be ſeverely whipt and by the maſter thereof be kept conſtantly to work and none ſuffered to converſe or ſpeak with them during the time of their impriſonment which ſhall be no longer than neceſſity requireth. And further it is ordered if any perſon ſhall knowingly import into any harbour of this juriſdiction any quakers books or writings concerning their deviliſh opinions ſhall pay for every ſuch book or writing being legally proved againſt him or them the ſum of five pounds. And whoſoever ſhall diſperſe or conceal any ſuch book or writing and it be found with him or her or in his or her houſe and ſhall not immediately deliver in the ſame to the next magiſtrate ſhall forfeit and pay five pounds for the diſperſing or concealling of every ſuch book or writing. And it is hereby further enacted that if any perſon within the colony ſhall take upon them to defend the heretical opinions of the ſaid quakers or any of their books or papers aforeſaid *ex animo*, if legally proved ſhall be fined for the firſt time forty ſhillings; if they ſhall perſiſt in the ſame, and ſhall ſo again defend it the ſecond time, four pounds; if ſtill notwithſtanding they ſhall again defend and maintain the ſaid quakers heretical opinions they ſhall be committed to the houſe of correction till there be convenient paſſage for them to be ſent

out of the land being ſentenced by the court of aſſiſtants to baniſhment. Laſtly it is hereby ordered that what perſon or perſons ſoever ſhall revile the office or perſon of magiſtrates or miniſters as is uſual with the quakers ſuch perſon or perſons ſhall be ſeverely whipt or pay the ſum of five pounds. This order was publiſhed 21. 8mo. 56 in ſeveral places of Boſton by beat of drum.

THE ASSEMBLY *of* VIRGINIA *to Secretary* THURLOE.

[Thurloe's State Papers, Vol. V. Page 497. A. D. 1656.]

Right Honourable,

THOUGH we are perſons ſo remote from you, yet we have had ſo honourable a character of your worth, that we cannot make a ſecond choice, without erring, of one ſo fit and proper as yourſelf, by whom to make our addreſs to his highneſs the lord protector: our deſires we have entruſted to this worthy gentleman, Mr. Diggs, our late governor. We ſhall deſire that you will pleaſe to give him acceſſe to you, and by your means to his highneſs. And as we promiſe you will find nothing but worth in him, ſo we are confident he will undertake for us, that we are a people not altogether ungrateful, but will ſhortly find a nearer way then by ſaying ſoe, to expreſſe reallie, how much we eſteem the honour of your patronage, which is both the hopes and ambition of

Your very humble,

and then moſt obliged Servants,

The Aſſemblie of Virginia,
15th October 1656.

SAMUEL MATHEWES, Gov.

FRANCIS MORYSON, Speaker.

ACTS *of Parliament reſpecting* AMERICA *paſſed between the Years* 1640 *and* 1656.

[Hughes's Abridgement, Edit. 1657, Page 96.]

" *Governours and Government of Iſlands in* America.

Nov. 2, 1643,

Ordeined by the Lords and Commons in Parliament.

I. THAT *Robert* Earl of *Warwick*, be Governour and Lord High Admirall of all the Iſlands and other Plantations, inhabited, planted, or belonging unto any his Majeſties, the King of *England*'s Subjects, or which hereafter may be inhabited, planted, or belonging to them within the bounds, and upon the coaſts of *America*.

II. That the Lords and others particularly named in the Ordinance, ſhall be Commiſſioners to joyne in Aid and Aſſiſtance of the ſaid Earl, chief Governour and Admirall of the ſaid Plantations, and ſhall have power from Time to Time to provide for, order, and diſpoſe of all things, which they ſhall think moſt fit, and advantageous for the well governing, ſecuring, ſtrengthning and preſerving of the ſayd Plantations, and cheifly for the Advancement of the true Proteſtant Religion amongſt the ſaid Planters, Inhabitants, and the further enlarging and ſpreading of the Goſpel of Chriſt, amongſt thoſe that yet remain there in great Blindneſs and Ignorance.

III. That the ſaid Governour and Commiſſioners upon all weighty and important occaſions which may concern the good and ſafety of the Planters, to call to their Advice and Aſſiſtance, other of the ſaid Planters, Owners of Lands, or Inhabitants of the ſaid Iſlands, and ſhall have power to ſend for, view, and make uſe of all Records, Books, and Papers, which may concern the ſaid Plantations.

IV. That the ſaid Earl, Governour in cheif, and the ſaid Commiſſioners ſhall have power to nominate, appoint, and conſtitute, as ſuch ſubordinate Commiſſioners, Councellors, Commanders, Officers, and Agents, as they ſhall think moſt fit and ſerviceable for the ſaid Iſlands and Plantations: And upon death or other avoidance of the aforeſaid chief Governour, and Admirall, or other the Commiſſioners before named, to appoint ſuch other cheif Governour, or Commiſſioners in the roome and place of ſuch as ſhall be void, as alſo to remove all ſuch ſubordinate Governours and Officers as they ſhall judge fit.

V. That no ſubordinate Governours, Councellors, Commanders, Officers, Agents, Planters, or Inhabitants which now are reſident in or upon the ſaid Iſlands or Plantations, ſhall admit or receive any new Governours, Councellors, Commanders, Officers, or Agents whatſoever, but ſuch as ſhall be allowed and approved of under the hands and ſeals of the aforeſaid chief Governour and high Admirall, together with the hands and ſeals of the ſaid Commiſſioners, or ſix of them, or under the hands of ſuch as they ſhall authorize thereunto.

VI. That the chief Governour and Commiſſioners before mentioned, or the greater number of them, are authorized to aſſign, ratifie, and confirm ſo much of their aforementioned Authority and power, and in ſuch manner, to ſuch perſons as they ſhall judge fit, for the better governing and preſerving the ſaid Plantations, and Iſlands, from open violence, and private diſtractions.

VII. That whoſoever ſhall in obedience to this Ordinance, do or execute any Thing, ſhall by vertue hereof be ſaved harmleſs and indemnified."

Plantations in VIRGINIA *and other Places of* AMERICA.

January 23, 1646,

Ordained by the Lords and Commons in Parliament.

I. THAT all merchandize, Goods, and neceſſaries, which ſhall be for the ſupportation, uſe and expence for the ſeveral places in *Virginia*, *Bermudas*, *Barbados*, ſhall and may be exported from this Kingdome, without paying any cuſtome, Subſidie, taxation, or other impoſition, or duty for the ſame, the duty of Exciſe excepted, during the ſpace of three yeares next inſuing, except unto the Plantation of New found land. Provided, ſecurity be given to the Officers of the Cuſtomes, that the ſaid merchandizes and goods ſo to be exported ſhall be really tranſported unto the ſaid forrein Plantations and no other Places, there to be uſed for the onely uſe of the ſaid Plantations.

II. That it ſhall be lawful for any Perſons, ſubjects of this Kingdome, to tranſport from hence unto the ſayd Plantations ſuch perſons as being fit to advance the Trade ſhall be willing to be imployed in the ſeverall Plantations: Provided the names of them be Regiſtered in the Cuſtome Houſe Booke, and neither force uſed to take up ſuch Servants nor any Apprentices entred to deſert their Maſters, nor any Children under Age, admitted without the Conſents of their Parents; and alſo that Certificate be returned from the Governour of ſuch Plantation within one yeeare of the arrivall of the ſayd perſons there. And provided, that none of the ſayd Plantations do ſuffer or permit any Ship, Barke, or Veſſell to take in any goods of the

growth of the ſayd Plantations from any of their Ports, and carry them to any Forrein Parts, except in Engliſh Bottoms; and if any of the ſayd Plantations ſhall offend therein, the ſayd Plantation ſhall be excluded from the benefit of this Ordinance, and ſhall pay Cuſtome as other Merchants do to *France*, *Spaine*, *&c.* or other forrein Parts.

For the Promoting and Propagating of the Goſpell of JESUS CHRIST, *in* NEW ENGLAND.

July 19, 1649,

Enacted by Authority of Parliament.

I. THAT there be a Corporation in *England*, conſiſting of 16 Perſons, *viz.* a Preſident, Treaſurer and 14 Aſſiſtants and the 16 Perſons particularly named in the Act to be the firſt 16 Perſons whereof the ſaid Corporation ſhall conſiſt, out of which they ſhall chooſe one of the 16 to be Treaſurer and another to be Preſident, and ſo from Time to Time as they ſhall die or be removed, which Preſident, Treaſurer and Aſſiſtants ſhall forever hereafter in name and effect be a Body politick and corporate in Law, and ſhall have perpetuall Succeſſion, and be called by the name of the Preſident and Society for the propagation of the Goſpell in *New England*, and by that name, ſhall and may without Licence in Mortmain purchaſe any Lands, Tenements, or Hereditaments in *England* or *Wales* not exceeding £.2000 *per ann.* and any Goods and Sums of Monies whatſoever.

II. That the ſaid Perſons of the corporation or nine of them, have Power to make and appoint a common Seal for the uſe of the corporation, chooſe Officers and make allowances unto them, make orders and by lawes and make concluſive bargains for Lands and Tenements to be purchaſed for valuable conſideration.

III. That the Preſident and Treaſurer and foure or more aſſiſtants may hold a meeting for concluding of Affaires concerning the collecting and bringing in the Profits and Revenues into their Treaſury, in all which the concluſion ſhall be by the Preſident or Treaſurer and the aſſiſtants or the major part of them.

IV. That the Commiſſioners of the United Colonies of *New England* in *New England* or ſuch as they ſhall appoint, have Power to receive and diſpoſe of the monies brought in and paid to the Treaſurers for the Time being, or any other monies goods and commodities delivered by the care of the ſaid corporation at any time in ſuch manner as ſhall beſt and principally conduce to the preaching and propagating

of the Goſpell amongſt the Natives, and for maintenance of Schooles and Nurſeries of learning for the Education of the children of the Natives.

V. That a generall Collection be made in and through all the Counties Cities, Townes and Pariſhes of *England* and *Wales* for a charitable contribution to be as the foundation of ſo pious and great an undertaking, and that the miniſters within their ſeverall places do read this act in the preſence of their Congregations upon the Lords Day after the Receipt thereof, and exhort the People to a liberall Contribution to ſo pious a Work, and the miniſters Church-wardens or Overſeeres of the Poor to goe from Houſe to Houſe to every of the inhabitants to take the Subſcription of every perſon in a ſchedule, and to collect and gather the ſame, a duplicate of which and of the monies collected ſhall be delivered to a perſon of quality reſiding in each county, deputed by the corporation under their Seal to be a Treaſurer for the receiving of the ſame, and the Receipt under the hand of ſuch Treaſurer, ſhall be a diſcharge for the miniſters, Church-Wardens, and overſeers of the collection by them paid. Provided the act extend not to the enabling or allowing of tranſportation of any Gold, Silver, Plate, Bullion, money, or other commodities, prohibited by the lawes and ſtatutes of this nation.

TOBACCO.

June 20, 1650,

Enacted by Authority of Parliament.

THAT all tobacco of the Growth of *New-England*, ſhall pay the duties of cuſtomes and Exciſe, after the ſame rate and proportion, that Tobacco brought from any other of the Engliſh Plantations doth and is liable to pay; and the Comiſſioners of the Cuſtomes and Exciſe, their collectors, officers and miniſters, are to collect and gather the duties of cuſtome and exciſe for the ſame accordingly.

TRADE. PRIZES.

October 3, 1650,

Enacted by Parliament,

WHEREAS divers Acts of Rebellion have been committed by many perſons inhabiting in *Barbados*, *Antego*, *Bermudas*, and *Virginia*, who have mutinouſly by

by force uſurped a power of Government, and ſeized the Eſtates of many well affected Perſons into their Hands and baniſhed others, and have ſet themſelves in oppoſition to, and diſtinct from this Commonwealth, many of the Chief Actors in, and promoters of the ſaid rebellion, having been carried over to the ſaid Plantations in forreign Ships, without the licence, or conſent of the Parliament of *England*: The Parliament do declare, all and every the ſaid Perſons in the *Barbados*, *Antego*, *Bermudos*, and *Virginia*, that have abetted or aſſiſted theſe Rebellions, or have willingly joyned with them, to be robbers and traitors, and ſuch as by the law of nations ought not to be permitted any commerce or traffick with any people whatſoever, and therefore do Enact.

I. That after due Publication of this act, it ſhall be lawful to any of the fleet ſhips imployed by the Parliament, or any private man of War allowed by the Parliament, or Council of ſtate, to ſeize, ſurprize, and take all manner of ſhips, veſſels, and goods, belonging to all perſons whatſoever foreigners or others, that ſhall be found or met withal, trading with the ſaid rebels, or in or at the ſaid Iſlands of *Barbados*, *Bermudas*, *Virginia*, or *Antego*, or any parts thereof; or ſhall hold Correſpondence with, or give aſſiſtance or relief to the ſupporting of the ſame rebellion, and to ſend in the ſaid ſhips, and goods, to be proceeded againſt in the Court of Admiralty.

II. That none of the goods, nor tackle, apparel or furniture of the ſaid ſhips be imbezeled, but preſerved ſafe and entire, til judgement or other decree be thereof made in the Court of Admiralty. And that all commiſſions, Conſignements, Bills of lading, coquets, letters, and other writings whatſoever, be ſent to the Court of Admiralty, with two or three of the Officers, or principal Perſons to be examined, touching the ſaid writings, proprietors of the ſhips and goods, and from whence they came, and to whom conſigned: And the judges of the Admiralty upon Proofs and evidences duly made, to proceed to judgement and definitive ſentence according to this act; and if judgement be given to be lawful prize, to be diſpoſed of as in this Act is appointed.

III. That from and after 20th *November* 1650. it be lawful for any ſhip or ſhips of the Parliament, or allowed by the Parliament, or council of State, to ſeize, take, and ſurpriſe, any ſhip, or ſhips of any forreign nation, that ſhall be outward bound to any of the ſaid Plantation without licence: And after 1. *January* 1650 to ſeize and ſurprize any forreign ſhips that ſhall be found trading at any of the ſaid Plantations or Iſlands. And after 20 *March* 1650 for any of the Parliament Ships, or private men of War, allowed of by the parliament or Council of State, to ſeize, and ſurpriſe any ſhip, or ſhips, that are coming from, or have traded without licence, as aforeſaid; all ſhips ſo taken, to be ſent to ſome port of the Commonwealth, to be proceeded againſt in the Court of Admiralty, as is ordered and ap-

pointed in the Caſe for trading to *Barbados*, *Bermudas*, *Antego*, or *Virginia*, or any of them; the ſaid Prizes to be diſpoſed of as followeth; *viz.* of what ſhall be taken by the Parliaments ſhips, two third parts to the uſe of the Commonwealth and one third part to the Commanders, officers, and company of the Ships by whom they ſhall be taken: Of what ſhall be taken by private men of War, to be to the owners and ſetters forth of the ſhips, as themſelves ſhall agree; one tenth part of the whole being firſt taken out to be diſpoſed of by the Council of State for the uſes the Parliament ſhall appoint: And if any prize ſo to them ſhall be proved in the Admiralty, and the goods to be belonging to any the good and well affected people of the Commonwealth, remaining under the protection and obedience of the Parliament, and before taken from them by any Enemy, rebel, or diſaffected Perſon; and afterwards retaken by any of the fleet ſhips, or private men of War, then the goods and ſhip, by the decree of the Admiralty to be reſtored to the former owners, paying in lieu of Salvage the eighth Part of the true value thereof; unleſſe the ſhip ſo retaken, ſhall appear to have been imployed after the taking by the Enemy, to be ſet forth as a man of War on their behalf; in which Caſe the Owners ſhall pay for Salvage the moiety of the true value of the ſhip ſo retaken and reſtored.

IV. That the councel of State may grant licence and Leave, to any of the Ships of this Nation, to go to, and trade at *Barbados*, *Bermudas*, *Antego*, and *Virginia*, without Prejudice or damage, any thing before notwithſtanding.

V. That the Council of ſtate have Power to ſend ſhips to any of the plantations aforeſaid, and to grant Commiſſions to ſuch perſons as they ſhall think fit, to enforce all ſuch to obedience, as ſtand in oppoſition to the Parliament, and to get pardons, and ſetle Governours in the ſaid Iſlands Plantations, and places, to preſerve them in Peace, until the Parliament take further order.

LETTER *from the General Court of* MASSACHUSETTS *to* OLIVER CROMWELL.

[Hutchinſon's Hiſt. Vol. I. P. 192.]

"SIR,

WE received by Capt. Gookin your Highneſs's propoſals for the removal of ſome of ours to the iſland of Jamaica, which, by our order were communicated to the people of this juriſdiction, in compliance with your Highneſs's good

good and pious intentions of planting the place with ſuch as through the bleſſing of God may hopefully promote a deſign ſo religious. But if, by the intelligence from thence of the mortality of the Engliſh there, the motion here anſwereth not expectation, may it pleaſe your Highneſs not to impute it to us as declining your ſervice, much leſs as diſaccepting your favour and endeavours of promoting what may conduce to our welfare, wherein we have always found your Highneſs ready upon all occaſions to teſtify the ſame; and in particular by your gracious acceptance of our laſt by Capt. Leveret, by whom we found ourſelves neceſſitated to make our addreſſes to your Highneſs, that by your juſt favour we might be ſupported, without which, we have cauſe to fear, we cannot be ſecure from the clamours and calumnies of ſome whoſe endeavours may be to render us obnoxious to your diſpleaſure.—We account it our duty, to our utmoſt power, to advance your Highneſs's ſervice, and if all other opportunities ſhall be wanting, yet never to ceaſe to preſent our requeſts to him that is able abundantly to recompence all your labours of love to his, to preſerve your Highneſs, long to continue you a happy inſtrument to carry on his work, overthrow the enemies of his truth, and to enlarge the kingdom of his dear ſon, in whom we are,

Your Highneſs's moſt obliged ſervants,

Boſton, in New England, the
24th October, 1656.

JO. ENDICOTT, Gov.
RICH. BELLINGHAM, Dep. Gov.
EDWARD RAWSON, Secr.
In the name and with the conſent of the
General Court."

END OF VOLUME FIRST.

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